

House Bill No. 219

An act relating to the Florida Building Code; amending s. 120.80, F.S.; prohibiting the Florida Building Commission from granting a waiver or variance from code requirements; providing for alternative means of compliance and enforcement; amending s. 125.01, F.S.; authorizing counties to enforce and amend the Florida Building Code, rather than adopt a building code; amending s. 125.56, F.S.; substituting references to the Florida Building Code for references to locally adopted building codes; providing for enforcement and amendment of the Florida Fire Prevention Code; amending s. 161.0415, F.S.; requiring the permitting agency to cite to a specific provision of the Florida Building Code when requesting information on a coastal construction permit; amending ss. 161.052, 161.053, F.S.; providing that certain provisions must be incorporated into the Florida Building Code; providing rulemaking authority to the Florida Building Commission; preserving certain rights and authority of the Department of Environmental Protection; amending s. 161.05301, F.S.; deleting authority of the department to delegate coastal construction building codes review to local governments; amending the deadline by which current department positions must support implementation of a beach management plan; amending s. 161.55, F.S.; deleting structural requirements for specific types of coastal structures; amending s. 161.56, F.S.; deleting authority of local governments to enforce coastal construction standards; deleting authority of local governments to adopt specific building codes; amending s. 235.26, F.S.; eliminating authority of the Commissioner of Education to adopt a uniform statewide building code for public educational and ancillary facilities; authorizing the commissioner to develop such a code and submit it to the Florida Building Commission for adoption; providing specific requirements for the development of the code; requiring specific types of construction to conform to the Florida Building Code and the Florida Fire Prevention Code; providing for enforcement of the codes by school districts, community colleges, and the Department of Education; providing for review of and updates to the code; creating s. 240.2945, F. S.; exempting state universities from local amendments to the Florida Building Code and the Fire Prevention Code; amending s. 253.033, F.S.; replacing references to local building codes with references to the Florida Building Code; amending s. 255.25, F.S.; deleting the requirement that the Department of Management Services approve design and construction plans for state agency buildings; amending s. 255.31, F.S.; eliminating authority of the department to conduct plan reviews and inspection services; providing exceptions; amending s. 316.1955, F.S.; deleting parking requirements for persons who have disabilities; amending s. 381.006, F.S.; eliminating the Department of Health's authority to adopt regulations governing sanitary facilities in public places and places of employment; amending s. 383.301, F.S.; amending the legislative intent regarding regulation

of birth centers; amending s. 383.309, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt certain rules governing birth centers; providing for adoption of those standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 394.879, F.S.; eliminating the authority of the Department of Children and Family Services or the Agency for Health Care Administration to adopt certain rules governing crisis stabilization units; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code; amending s. 395.0163, F.S.; providing that construction of certain facilities is governed by the Florida Building Code and the Florida Fire Prevention Code; providing for plan reviews and construction surveys by the Agency for Health Care Administration; clarifying that inspection and approval includes compliance with the Florida Building Code; amending s. 395.1055, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt standards for construction of licensed facilities; providing for adoption of those standards within the Florida Building Code; authorizing the agency to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; amending s. 395.10973, F.S.; authorizing the Agency for Health Care Administration to enforce specified provisions of the Florida Building Code; amending s. 399.02, F.S.; eliminating the Division of Elevator Safety's authority to adopt certain codes and provide exceptions thereto; requiring the division to develop a code and submit it to the Florida Building Commission for adoption; authorizing the division to enforce specified provisions of the Florida Building Code; requiring the division to review and recommend revisions to the Florida Building Code; amending ss. 399.03, 399.13, F.S.; substituting references to the Florida Building Code for references to the Elevator Safety Code; amending s. 399.061, F.S.; revising requirements for elevator inspections and service maintenance contracts; amending s. 400.011, F.S.; revising the purpose of part I of ch. 400, F.S., to eliminate the provision of construction standards for nursing homes and related health care facilities; amending s. 400.23, F.S.; eliminating the authority of the Agency for Health Care Administration to adopt construction regulations for nursing homes and related health care facilities; authorizing the agency to enforce specified provisions of the Florida Building Code; directing the agency to assist the Florida Building Commission; amending s. 400.232, F.S.; providing that the design and construction of nursing homes is governed by the Florida Building Code and the Florida Fire Prevention Code; authorizing the agency to conduct plan reviews and construction surveys of those facilities; amending s. 455.2286, F.S.; extending the implementation date for an automated information system; amending s. 468.604, F.S.; substituting references to the Florida Building Code for references to listed locally adopted codes; amending s. 468.607, F.S.; providing for the continuing validity of the certifications of certain building inspectors and plans examiners for a certain period of time; amending s. 468.609, F.S.;

clarifying the prerequisites for taking certain certification examinations; providing for certain persons employed by an educational board to continue employment in certain capacities under limited certificates; amending s. 468.617, F.S.; adding school boards, community college boards, state agencies, and state universities as entities that may contract for joint inspection services or contract with other certified persons to perform plan reviews and inspection services; amending s. 469.002, F.S.; eliminating a required asbestos disclosure statement; providing for inclusion of such a statement within the Florida Building Code; amending s. 471.015, F.S.; authorizing the Board of Professional Engineers to establish qualifications for special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; providing for minimum qualifications for qualified representatives; amending s. 481.213, F.S.; authorizing the Board of Architecture and Interior Design to establish qualifications for certifying licensed architects as special inspectors of threshold buildings and to establish qualifications for the qualified representative of such a special inspector; amending s. 489.103, F.S.; substituting references to the Florida Building Code for references to locally adopted codes; amending s. 489.109, F.S.; providing for administration of certain fees by the Department of Community Affairs for certain purposes instead of the Department of Education; amending ss. 489.115, 497.255, 553.06, 553.141, 553.503, 553.506, 553.512, 553.73, 553.74, F.S.; replacing references to the Board of Building Codes and Standards with references to the Florida Building Commission; amending s. 500.09, F.S.; clarifying that the Department of Agriculture and Consumer Services may not adopt construction regulations for food establishments; requiring the adoption of such regulations within the Florida Building Code; authorizing the department to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 500.12, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; providing a requirement for obtaining or renewing a local occupational license; amending s. 500.147, F.S.; authorizing the department to enforce specific provisions of the Florida Building Code; amending s. 509.032, F.S.; clarifying that the Division of Hotels and Restaurants may not adopt construction standards for public food and public lodging establishments; providing for the adoption of such standards within the Florida Building Code and the Florida Fire Prevention Code; authorizing the division to enforce specified provisions of the Florida Building Code and the Florida Fire Prevention Code; preserving the authority of local governments to inspect public food and public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code; amending s. 509.221, F.S.; substituting references to the Florida Building Code for references to other state and local codes; amending s. 514.021, F.S.; providing that the Department of Health may not adopt construction regulations for public swimming pools and bathing places; providing for the adoption of such standards within the Florida

Building Code; authorizing the department to conduct plan reviews, to issue approvals, and to enforce specified provisions of the Florida Building Code; preserving the department's authority to adopt and enforce sanitary regulations; amending s. 514.03, F.S.; preserving local governments' authority to conduct plan reviews and inspections for compliance with the Florida Building Code; amending s. 553.06, F.S.; amending portions of the State Plumbing Code by replacing a reference to the board with a reference to the commission; amending s. 553.141, F.S.; deleting specific requirements for the ratio of public restroom facilities for men and women; requiring the incorporation of such requirements into the Florida Building Code; requesting the Division of Statutory Revision to change a title; creating s. 553.355, F.S.; establishing minimum construction requirements for manufactured buildings; amending s. 553.36, F.S.; providing for approval of building components; redefining the term "manufactured building" to include certain storage sheds and to exclude manufactured housing; defining the term "module"; updating references to the Florida Building Code; amending s. 553.37, F.S.; authorizing the Department of Community Affairs to adopt certain rules; providing that, if the department delegates certain authority, manufacturers shall have plan reviews and inspections conducted by a single agency; transferring rulemaking authority to the Florida Building Commission; creating s. 553.375, F.S.; providing for recertification of manufactured buildings; amending s. 553.38, F.S.; transferring to the Florida Building Commission authority to adopt rules governing manufactured buildings; amending s. 553.381, F.S.; providing for certification of manufacturers of manufactured buildings; providing certification requirements; transferring authority for construction standards to the Florida Building Commission; amending s. 553.39, F.S.; replacing the department's rules with the Florida Building Code; creating s. 553.41, F.S.; providing for construction and installation of factory-built school buildings; providing purposes; providing requirements; requiring the department to adopt certain emergency rules; providing criteria, requirements, and procedures for such construction and installation; creating s. 553.5041, F.S.; providing requirements for parking accommodations for persons who have disabilities; amending s. 553.512, F.S.; providing that the commission may not waive specified requirements for parking for persons who have disabilities; providing that applicants for waiver must have applied for variance from specified local requirements; deleting the word "handicapped"; amending s. 553.71, F.S.; redefining the term "threshold building"; redefining the term "local enforcement agency"; defining the terms "special inspector," "prototype building," and "exposure category C"; amending s. 553.72, F.S.; amending legislative intent relating to the Florida Building Code; amending s. 553.73, F.S.; prohibiting the Florida Building Commission from adopting a fire prevention or life safety code; expanding the list of regulations to be included in the Florida Building Code; clarifying the limitations applicable to administrative amendments to the code; clarifying the effect on local governments of adopting and updating the Florida Building Code; specifying that amendments to certain standards or criteria are effective statewide only

upon adoption by the commission; providing for the immediate effect of certain amendments to the Florida Building Code in certain circumstances; revising criteria for commission approval of amendments to the Florida Building Code; prescribing which edition of the Florida Building Code applies to a given project; providing an additional exemption from the Florida Building Code; authorizing the Florida Building Commission to provide exceptions to the exemptions; providing for review of decisions of certain local government officials; delegating certain responsibilities to the State Fire Marshal, rather than the Department of Insurance; amending s. 553.77, F.S.; revising the powers of the commission; providing for fees for product approval; correcting a cross-reference; amending s. 553.781, F.S.; clarifying that the Department of Business and Professional Regulation conducts disciplinary investigations and takes disciplinary actions; amending s. 553.79, F.S.; replacing the term "mobile home" with the term "manufactured home"; deleting the authority of the Department of Community Affairs to establish qualifications for and certify special inspectors; revising the responsibilities of special inspectors; requiring the Florida Building Commission to establish standards for specified structures; deleting standards for specified structures; clarifying that building code plan review is required independent of firesafety plan review; deleting specific requirements for the submittal of plans; directing the Florida Building Commission to adopt requirements for plan review; amending s. 553.80, F.S.; consolidating all exemptions from local enforcement of the building code; providing for uses of facility maintenance permits by school boards, community college boards, and state universities; amending ss. 553.83, 553.84, 553.85, F.S.; replacing references to local codes and state minimum codes with references to the Florida Building Code; amending s. 553.841, F.S.; authorizing the commission to establish the Building Code Training Program by rule; providing that the State Fire Marshal is to be consulted on the Building Code Training Program; amending coursework requirements; establishing the Office of Building Code Training Program Administration; providing responsibilities; amending s. 553.842, F.S.; requiring the commission to make recommendations to the Legislature for a statewide product approval system; transferring, renumbering, and amending s. 553.19, F.S.; authorizing the Florida Building Commission to recommend National Electrical Installation Standards; amending s. 553.901, F.S.; transferring the authority to adopt the thermal efficiency code from the Department of Community Affairs to the Florida Building Commission; amending s. 553.902, F.S.; amending the term "exempted building"; deleting an exemption; authorizing the commission to recommend additional exemptions; deleting the term "energy performance index"; amending s. 553.903, F.S.; deleting an obsolete requirement relating to thermal efficiency; amending s. 553.907, F.S.; deleting requirements for certification of compliance to local governments; amending s. 553.9085, F.S.; deleting obsolete references; amending s. 553.909, F.S.; deleting specific requirements for water heaters; directing that such requirements be set in the energy code; amending s. 627.0629, F.S.; requiring a rating

manual on residential property insurance to include certain discounts and credits for certain fixtures or construction techniques; providing requirements; amending ss. 633.01, 633.0215, 633.025, F.S.; replacing references to the Department of Insurance with references to the State Fire Marshal; amending s. 633.0215, F.S., the Florida Fire Prevention Code; providing for triennial adoption of the code; providing requirements for local amendments; providing requirements for adopting local firesafety codes and standards; amending s. 633.025, F.S.; amending provisions relating to smoke detector requirements in residential buildings; providing requirements for adopting local firesafety codes and standards; amending s. 633.72, F.S.; revising the membership of the Florida Fire Code Advisory Council; revising duties of the council with regard to the Florida Building Commission; amending s. 62 of ch. 98-287, Laws of Florida; deleting the requirement that the Legislature approve or reject the Florida Building Code, provide for repeal of local codes on a date certain, and provide for certain local ordinances to remain effective; amending s. 68 of ch. 98-287, Laws of Florida; revising the future repeal of certain sections of the Florida Statutes to provide a date certain; providing that the Legislature has reviewed the Florida Building Code and directing the Florida Building Commission to continue the process to adopt the code; requiring the commission to continue to review modifications to certain base codes; providing requirements; prescribing a publication format for amendments to the Florida Building Code; requiring the commission to adopt certain wind protection requirements; providing that certain changes in the code are not subject to rule challenge; requiring the Florida Building Commission to amend the plumbing section of the Florida Building Code as specified; directing the Florida Building Commission to revise certain provisions of the Florida Building Code; providing certain responsibilities of certain building officials; requiring the Department of Community Affairs to undertake certain home construction demonstration projects for certain purposes; providing requirements; requiring the Residential Mitigation Construction Advisory Council to serve as an advisory group; requiring the Department of Community Affairs to report the results of the projects to the Governor, President of the Senate, and Speaker of the House of Representatives; continuing the existence of a certain select committee relating to application of fire codes to educational facilities; providing an appropriation to the State Fire Marshal for certain purposes; requiring the Division of State Fire Marshal to review an alternative fire safety code for existing educational facilities and authorizes the division to adopt such code for certain purposes; requiring the Florida Building Commission to consider application of the Florida Building Code to buildings manufactured and assembled offsite but not intended for human habitation; amending sections 1, 2, 3, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29, 31, 32, 34, 38, 40, 44, 46, 47, 49, 51, 56, 57, 58, and 59 of chapter 98-287, Laws of Florida; revising the effective date of amendments to ss. 125.69, 161.54, 161.56, 162.21, 166.0415, 468.602, 468.621, 471.033, 481.215, 481.225, 481.2251, 481.313, 481.325, 489.115, 489.131,

489.533, 489.537, 500.459, 553.18, 553.72, 553.73, 553.76, 553.77, 553.781, 553.79, 627.351, 633.01, 633.0215, and 633.025, F.S.; amending section 61 of chapter 98-419, Laws of Florida; revising the effective date of an amendment to s. 553.73, F.S.; amending section 30 of chapter 98-287, Laws of Florida; revising an effective date; providing that nothing in the act is intended to imply any repeal or sunset of any existing general or special law not specifically identified; specifying the effective date of certain provisions authorizing rulemaking; repealing s. 125.0106, F.S., relating to authorizing ordinances restricting construction of floating residential structures; repealing s. 255.21(2), F.S., relating to Department of Management Services authority to establish a code panel for purposes of modification of or waivers to certain codes and standards; repealing s. 395.1055(1)(d) and (e), F.S., relating to certain rulemaking authority of the Agency for Health Care Administration relating to certain codes and standards; repealing s. 553.79(11), F.S., relating to certain obsolete asbestos notification requirements; providing effective dates.

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

Section 1. Subsection (16) is added to section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(16) FLORIDA BUILDING COMMISSION.—

(a) Notwithstanding the provisions of s. 120.542, the Florida Building Commission may not accept petition for waiver or variance and may not grant any waiver or variance from the requirements of the Florida Building Code.

(b) The Florida Building Commission shall adopt within the Florida Building Code criteria and procedures for alternative means of compliance with the code or local amendments thereto, for enforcement by local governments, local enforcement districts, or other entities authorized by law to enforce the Florida Building Code. Appeals from the denial of the use of alternative means shall be heard by the local board, if one exists, and may be appealed to the Florida Building Commission.

Section 2. Effective July 1, 2001, paragraphs (d) and (i) of subsection (1) of section 125.01, Florida Statutes, are amended, and paragraph (cc) is added to that subsection, to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(d) Provide fire protection, including the enforcement of the Florida Fire Prevention Code, as provided in ss. 633.022 and 633.025, and adopt and

enforce local technical amendments to the Florida Fire Prevention Code as provided in those sections and pursuant to s. 633.0215.

(i) Adopt, by reference or in full, and enforce ~~building~~, housing, and related technical codes and regulations.

(cc) Enforce the Florida Building Code, as provided in s. 553.80, and adopt and enforce local technical amendments to the Florida Building Code, pursuant to s. 553.73(4)(b) and (c).

Section 3. Effective July 1, 2001, section 125.56, Florida Statutes, is amended to read:

125.56 Enforcement and Adoption ~~or amendment of the Florida Building Code and the Florida Fire Prevention Code~~; inspection fees; inspectors; etc.—

(1) The board of county commissioners of each of the several counties of the state is authorized to enforce the Florida Building Code and the Florida Fire Prevention Code, as provided in s. 553.80, 633.022, and 633.025, and, at its discretion, to adopt local technical amendments to the Florida or amend a Building Code, pursuant to s. 553.73(4)(b) and (c) and local technical amendments to the Florida Fire Prevention Code, pursuant to s. 633.0215, to provide for the safe construction, erection, alteration, repair, securing, and demolition of any building within its territory outside the corporate limits of any municipality. Upon a determination to consider ~~amending the Florida or adopting a Building Code or the Florida Fire Prevention Code~~ by a majority of the members of the board of county commissioners of such county, the board shall call a public hearing and comply with the public notice requirements of s. 125.66(2). The board shall hear all interested parties at the public hearing and may then ~~adopt or amend the~~ a building code or the fire code consistent with the terms and purposes of this act, ~~which shall be known thereafter as the “county building code.”~~ Upon adoption, ~~an~~ or amendment ~~to,~~ the code shall be in full force and effect throughout the unincorporated area of such county until otherwise notified by the Florida Building Commission pursuant to s. 553.73 or the State Fire Marshal pursuant to s. 633.0215. Nothing herein contained shall be construed to prevent the board of county commissioners from ~~amending or repealing such amendment to the building code or the fire code~~ at any regular meeting of such board.

(2) The board of county commissioners of each of the several counties may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of this act, and of the Florida any Building Code and the Florida Fire Prevention Code adopted pursuant to the terms of this act.

(3) The board of county commissioners of each of the several counties may employ a building inspector and such other personnel as it deems necessary to carry out the provisions of this act and may pay reasonable salaries for such services.

(4) After adoption of the Florida Building Code by the Florida Building Commission or the Florida Fire Prevention Code by the State Fire Marshal, or amendment of the building code or the fire code as herein provided, it shall be unlawful for any person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building within the territory embraced by the terms of this act, without first obtaining a permit therefor from the appropriate board of county commissioners, or from such persons as may by resolution be directed to issue such permits, upon the payment of such reasonable fees as shall be set forth in the schedule of fees adopted by the board; the board is hereby empowered to revoke any such permit upon a determination by the board that the construction, erection, alteration, repair, securing, or demolition of the building for which the permit was issued is in violation of or not in conformity with the building code or the fire code.

(5) Any person, firm, or corporation ~~that which~~ violates any of the provisions of this section or of the Florida any duly adopted county Building Code or the Florida Fire Prevention Code is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Effective July 1, 2001, section 161.0415, Florida Statutes, is amended to read:

161.0415 Citation of rule.—In addition to any other provisions within this chapter or any rules promulgated hereunder, the permitting agency shall, when requesting information for a permit application pursuant to this chapter or such rules promulgated hereunder, cite a specific rule or provision of the Florida Building Code. If a request for information cannot be accompanied by a rule citation, failure to provide such information cannot be grounds to deny a permit.

Section 5. Effective July 1, 2001, paragraph (b) of subsection (2) of section 161.052, Florida Statutes, is amended, and subsection (12) is added to said section, to read:

161.052 Coastal construction and excavation; regulation.—

(2) A waiver or variance of the setback requirements may be authorized by the department in the following circumstances:

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if said existing structures have not been unduly affected by erosion, a proposed structure may be permitted along such line on written authorization from the department if such proposed structure complies with the Florida Building Code and the rules of ~~is also approved by~~ the department. However, the department shall not contravene setback requirements established by a county or municipality which are equal to, or more strict than, those setback requirements provided herein.

(12) In accordance with ss. 553.73 and 553.79, and upon the effective date of the Florida Building Code, the provisions of this section which pertain to

and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities shall be incorporated into the Florida Building Code. The Florida Building Commission shall have the authority to adopt rules pursuant to ss. 120.54 and 120.536 in order to implement those provisions. This subsection does not limit or abrogate the right and authority of the department to require permits or to adopt and enforce environmental standards, including but not limited to, standards for ensuring the protection of the beach-dune system, proposed or existing structures, adjacent properties, marine turtles, native salt-resistant vegetation, endangered plant communities, and the preservation of public beach access.

Section 6. Effective July 1, 2001, subsection (22) is added to section 161.053, Florida Statutes, to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(22) In accordance with ss. 553.73 and 553.79, and upon the effective date of the Florida Building Code, the provisions of this section which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities shall be incorporated into the Florida Building Code. The Florida Building Commission shall have the authority to adopt rules pursuant to ss. 120.54 and 120.536 in order to implement those provisions. This subsection does not limit or abrogate the right and authority of the department to require permits or to adopt and enforce environmental standards, including but not limited to, standards for ensuring the protection of the beach-dune system, proposed or existing structures, adjacent properties, marine turtles, native salt-resistant vegetation, endangered plant communities, and the preservation of public beach access.

Section 7. Effective July 1, 2001, section 161.05301, Florida Statutes, is amended to read:

161.05301 Beach erosion control project staffing; ~~coastal construction building codes review.~~—

(1) There are hereby appropriated to the Department of Environmental Protection six positions and \$449,918 for fiscal year 1998-1999 from the Ecosystem Management and Restoration Trust Fund from revenues provided by this act pursuant to s. 201.15(11). These positions and funding are provided to assist local project sponsors, and shall be used to facilitate and promote enhanced beach erosion control project administration. Such staffing resources shall be directed toward more efficient contract development and oversight, promoting cost-sharing strategies and regional coordination or projects among local governments, providing assistance to local governments to ensure timely permit review, and improving billing review and disbursement processes.

(2) Upon the effective date of the Florida Building Code, when the reviews authorized by s. 161.053 are conducted by local government, Upon implementation of the Governor's Building Codes Study Commission recommendations pertaining to coastal construction, and the adoption of those

recommendations by local governments, the department shall delegate the coastal construction building codes review pursuant to s. 161.053 to those local governments. current department positions supporting the coastal construction building codes review shall be directed to support implementation of the subject beach management plan.

Section 8. Effective July 1, 2001, section 161.55, Florida Statutes, is amended to read:

161.55 Requirements for activities or construction within the coastal building zone.—The following requirements shall apply beginning March 1, 1986, to construction within the coastal building zone and shall be minimum standards for construction in this area:

~~(1) STRUCTURAL REQUIREMENTS; MAJOR STRUCTURES.—~~

~~(a) Major structures shall conform to the state minimum building code in effect in the jurisdiction.~~

~~(b) Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code ANSI book A-119.1, pursuant to s. 320.823, and to the requirements of paragraph (c).~~

~~(c) Major structures shall be designed, constructed, and located in compliance with National Flood Insurance Program regulations as found in 44 C.F.R. Parts 59 and 60 or the local flood damage prevention ordinance, whichever is more restrictive.~~

~~(d) Major structures, except those conforming to the standards of paragraph (b), shall, at a minimum be designed and constructed in accordance with s. 1205 of the 1986 revisions to the 1985 Standard Building Code using a fastest mile wind velocity of 110 miles per hour except for the Florida Keys which shall use a fastest mile wind velocity of 115 miles per hour. This does not preclude use of a locally adopted building code which is more restrictive.~~

~~(e) Foundation design and construction of a major structure shall consider all anticipated loads resulting from a 100-year storm event, including wave, hydrostatic, and hydrodynamic loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour-producing forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the anticipated loss of soil above the design grade as a result of localized scour. The erosion computations required by this paragraph do not apply landward of coastal construction control lines which have been established or updated since June 30, 1980. Upon request, the department may provide information and guidance as to those areas within the coastal building zone where the erosion and scour of a 100-year storm event is applicable.~~

~~(1)(2) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS; MINOR STRUCTURES.—Minor structures need not meet specific structural requirements provided in subsection (1), except for the requirements~~

of paragraph (c) and except for applicable provisions of the state minimum building code in effect in the jurisdiction. Such structures shall be designed to produce the minimum adverse impact on the beach and the dune system and adjacent properties and to reduce the potential for water or wind blown material. Construction of a rigid coastal or shore protection structure designed primarily to protect a minor structure shall not be permitted.

~~(2)(3) REGULATION OF COASTAL STRUCTURAL REQUIREMENTS; NONHABITABLE MAJOR STRUCTURES.—Nonhabitable major structures need not meet specific structural requirements provided in subsection (1), except for the requirements of paragraph (c) and except for applicable provisions of the state minimum building code in effect in the jurisdiction. Such structures shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with any applicable state and local standards not found in this section. All sewage treatment plants and public water supply systems shall be flood proofed to prevent infiltration of surface water from a 100-year storm event. Underground utilities, excluding pad transformers and vaults, shall be flood proofed to prevent infiltration of surface water from a 100-year storm event or shall otherwise be designed so as to function when submerged by such storm event.~~

~~(3)(4) LOCATION OF CONSTRUCTION.—Construction, except for elevated walkways, lifeguard support stands, piers, beach access ramps, gazebos, and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability.~~

~~(4)(5) APPLICATION TO COASTAL BARRIER ISLANDS.—All building requirements of this part which are applicable to the coastal building zone shall also apply to coastal barrier islands. The coastal building zone on coastal barrier islands shall be the land area from the seasonal high-water line to a line 5,000 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less. For coastal barrier islands on which a coastal construction control line has not been established pursuant to s. 161.053, the coastal building zone shall be the land area seaward of the most landward velocity zone (V-zone) boundary line fronting upon the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida. All land area in the Florida Keys located within Monroe County shall be included in the coastal building zone. The coastal building zone on any coastal barrier island between Sebastian Inlet and Fort Pierce Inlet may be reduced in size upon approval of the Land and Water Adjudicatory Commission, if it determines that the local government with jurisdiction has provided adequate protection for the barrier island. In no case, however, shall the coastal building zone be reduced to an area less than a line 2,500 feet landward of the coastal construction control line. In determining whether the local government with jurisdiction has provided adequate protection, the Land and Water Adjudicatory Commission shall determine that the local government has adopted the 1986 Standard Building Code for the entire barrier island. The Land and Water Adjudicatory Commission shall withdraw its approval for a reduced coastal building zone if it determines that 6 months after a local government comprehensive plan is due for submission to the state land planning agency pursuant to s. 163.3167 the~~

local government with jurisdiction has not adopted a coastal management element which is in compliance with s. 163.3178.

(5)(6) PUBLIC ACCESS.—Where the public has established an accessway through private lands to lands seaward of the mean high tide or water line by prescription, prescriptive easement, or any other legal means, development or construction shall not interfere with such right of public access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate, or relocate such public accessways so long as the accessways provided by the developer are:

- (a) Of substantially similar quality and convenience to the public;
- (b) Approved by the local government;
- (c) Approved by the department whenever improvements are involved seaward of the coastal construction control line; and
- (d) Consistent with the coastal management element of the local comprehensive plan adopted pursuant to s. 163.3178.

Section 9. Section 3 of chapter 98-287, Laws of Florida, is amended to read:

Section 3. Effective July 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 10. Effective July 1, 2001, section 161.56, Florida Statutes, as amended by section 3 of chapter 98-287, Laws of Florida, is amended to read:

161.56 Establishment of local enforcement.—

(1) ~~Each local government which is required to enforce the Florida 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 the requirements of the code established in s. 161.55.~~

(2) ~~Each local government shall provide evidence to the state land planning agency that it has adopted a building code pursuant to this section. Within 90 days after January 1, 1987, the state land planning agency shall submit to the Administration Commission a list of those local governments which have not submitted such evidence of adoption. The sole issue before the Administration Commission shall be whether or not to impose sanctions pursuant to s. 163.3184(8).~~

(1)(3) Nothing in ss. 161.52-161.58 shall be construed to limit or abrogate the right and power of the department to require permits or to adopt and enforce standards pursuant to s. 161.041 or s. 161.053 for construction seaward of the coastal construction control line that are as restrictive as, or more restrictive than, the requirements provided in s. 161.55 or the rights or powers of local governments to enact and enforce setback requirements or zoning or building codes that are as restrictive as, or more restrictive than, the requirements provided in s. 161.55.

(2)(4) To assist local governments in the implementation and enforcement of s. 161.55, the state land planning agency shall develop and maintain a biennial coastal building zone construction training program for the local enforcement agencies specified in subsection (1). The state land planning agency shall provide an initial training program not later than April 1, 1987, and on a recurring biennial basis shall provide a continuing education program beginning July 1, 1989. Registration fees, as determined appropriate by the state land planning agency, may be charged to defray the cost of the program if general revenue funds are not provided for this purpose. ~~No later than December 1, 1986, the state land planning agency shall further develop a deemed-to-comply manual which contains, as determined appropriate by the state land planning agency, methods, materials, connections, applicability, and other associated information for use by the local enforcement agency in complying with subsection (1).~~

Section 11. Effective July 1, 2001, section 235.26, Florida Statutes, is amended to read:

235.26 State Uniform Building Code for Public Educational Facilities Construction.—

(1) UNIFORM BUILDING CODE.—By July 1, 2001, the Commissioner of Education shall adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. The code must be entitled the State Uniform Building Code for Public Educational Facilities Construction. Included in this code must be flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified building code inspectors to certify conformance with applicable law and rules. The standards must comply with the requirements of s. 235.061 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of section 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

(b) The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.

(c) The safety of occupants of educational and ancillary plants as provided in s. 235.06, except that the firesafety criteria shall be established by the State Fire Marshal in cooperation with the Florida Building Commission and the department and such firesafety requirements must be incorporated into the Florida Fire Prevention Code.

(d) Accessibility for children, notwithstanding the provisions of s. 553.512.

(e) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building which are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy-consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Life-cycle cost criteria published by the Department of Education for use in evaluating projects.

4. Standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to comply with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service

Trust Fund and to prohibit district school boards from expending local capital outlay revenues for any project that includes materials or systems that do not comply with these standards, unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department. Wherever the words "Uniform Building Code" appear, they mean the "State Uniform Building Code for Public Educational Facilities Construction."

It is not a purpose of the Florida Uniform Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to revising the code.

(2) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE PREVENTION STANDARDS REQUIRED FOR APPROVAL.—
~~(1) UNIFORM BUILDING CODE.—~~

(a) Except as otherwise provided in paragraph (b), all public educational and ancillary plants constructed by a district school board or a community college district board of trustees must conform to the Florida State Uniform Building Code and the Florida Fire Prevention Code for Public Educational Facilities Construction, and such plants are exempt from all other state building codes; county, district, municipal, or other local amendments to the Florida Building Code and local amendments to the Florida Fire Prevention Code; building codes, interpretations, building permits, and assessments of fees for building permits, except as provided in s. 553.80; ordinances; road closures; and impact fees or service availability fees. Any inspection by local or state government must be based on the Florida Uniform Building Code and the Florida Fire Prevention Code as prescribed by rule. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the state requirements for educational facilities Uniform Building Code.

(b) A district school board or community college district board of trustees may conform with the Florida Building Code and the Florida Fire Prevention Code local building codes and the administration of such codes when constructing ancillary plants that are not attached to educational facilities, if those plants conform to the space size requirements established in the codes Uniform Building code.

~~(c)(2) CONFORMITY TO UNIFORM BUILDING CODE STANDARDS REQUIRED FOR APPROVAL.—~~A district school board or community college district board of trustees may not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Florida Uniform Building Code and the Florida Fire Prevention Code. Each district school board and community college district board of trustees may adopt policies for delegating to the superintendent or community college president

authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project. ~~It is also the responsibility of the department to develop, as a part of the Uniform Building Code, standards relating to:~~

~~(a) Prefabricated facilities, factory-built facilities, or site-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified Uniform Building Code inspectors to certify conformance with law and with rules of the Commissioner of Education. The standards must comply with the requirements of s. 235.061 for relocatable facilities intended for long-term use as classroom space.~~

~~(b) The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.~~

~~(c) The safety of occupants of educational and ancillary plants as provided in s. 235.06.~~

~~(d) The physically handicapped.~~

~~(e) Accessibility for children, notwithstanding the provisions of s. 553.512.~~

~~(f) The performance of life-cycle cost analyses on alternative architectural and engineering designs to evaluate their energy efficiencies.~~

~~1. The life-cycle cost analysis must consist of the sum of:~~

~~a. The reasonably expected fuel costs over the life of the building that are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and~~

~~b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.~~

~~2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:~~

~~a. The orientation and integration of the facility with respect to its physical site.~~

~~b. The amount and type of glass employed in the facility and the directions of exposure.~~

~~c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.~~

~~d. The variable occupancy and operating conditions of the facility and subportions of the facility.~~

~~e.—An energy consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.~~

~~3.—Such standards must be based on the best currently available methods of analysis, including such methods as those of the National Institute of Standards and Technology, the Department of Housing and Urban Development, and other federal agencies and professional societies and materials developed by the Department of Management Services and the department. Provisions must be made for an annual updating of standards as required.~~

~~4.—By July 1, 1998, the department shall establish life-cycle cost criteria in the State Requirements for Educational Facilities for use in evaluating projects.~~

~~5.—By July 1, 1999, the department shall establish standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to conform with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund and to prohibit district school boards from expending local capital outlay revenues for any project that includes materials or systems that do not comply with these standards unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.~~

(3) ENFORCEMENT BY BOARD.—It is the responsibility of each district school board and community college district board of trustees to ensure that all plans and educational and ancillary plants meet the standards of the Florida Uniform Building Code and the Florida Fire Prevention Code and to provide for the enforcement of these codes ~~this code~~ in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board may employ a chief building official or inspector and such other inspectors, who have been certified ~~by the department or certified~~ pursuant to chapter 468, and such personnel as are necessary to administer and enforce the provisions of this code. Boards may also utilize local building department inspectors who are certified by the department to enforce this code. Plans or facilities that fail to meet the standards of the Florida Uniform Building Code or the Florida Fire Prevention Code may not be approved. When planning for and constructing an educational, auxiliary, or ancillary facility, a district school board must use construction materials and systems that meet standards adopted pursuant to subparagraph (2)(f)5. If the planned or actual construction of a facility deviates from the adopted standards, the district school board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the Florida Uniform Building Code. The board must explain the reason for the proposed deviations and compare how the total construction costs and projected life-

cycle costs of the facility or component system of the facility would be affected by implementing the proposed deviations rather than using materials and systems that meet the adopted standards. The provisions of this subsection do apply to educational, auxiliary, and ancillary facility projects commenced on or after July 1, 1999.

(4) ENFORCEMENT BY DEPARTMENT.—As a further means of ensuring that all educational and ancillary facilities hereafter constructed or materially altered or added to conform to the Florida Uniform Building Code standards or Florida Fire Prevention Code standards, each district school board and community college district board of trustees that undertakes the construction, renovation, remodeling, purchasing, or lease-purchase of any educational plant or ancillary facility, the cost of which exceeds \$200,000, may submit plans to the department for approval.

(5) APPROVAL.—

(a) Before a contract has been let for the construction, the department, the board, or the board's authorized review agent must approve the phase III construction documents. A board may reuse prototype plans on another site, provided the facilities list and phase III construction documents have been updated for the new site and for compliance with the Florida Uniform Building Code and the Florida Fire Prevention Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

(b) In reviewing plans for approval, the department, the board, or its review agent as authorized in s. 235.017, shall take into consideration:

1. The need for the new facility.
2. The educational and ancillary plant planning.
3. The architectural and engineering planning.
4. The location on the site.
5. Plans for future expansion.
6. The type of construction.
7. Sanitary provisions.
8. Conformity to Florida Uniform Building Code standards.
9. The structural design and strength of materials proposed to be used.
10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. Typical heating, ventilating, and air-conditioning systems preapproved by the department for specific applications may be used in the design of educational facilities.
11. The electrical design of educational plants.

12. The energy efficiency and conservation of the design.
13. Life-cycle cost considerations.
14. The design to accommodate physically handicapped persons.
15. The ratio of net to gross square footage.
16. The proposed construction cost per gross square foot.
17. Conformity with the Florida Fire Prevention Code.

(c) The board may not occupy a facility until the project has been inspected to verify compliance with statutes, rules, and codes affecting the health and safety of the occupants. Verification of compliance with rules, statutes, and codes for nonoccupancy projects such as roofing, paving, site improvements, or replacement of equipment may be certified by the architect or engineer of record and verification of compliance for other projects may be made by an inspector certified by the department or certified pursuant to chapter 468 who is not the architect or engineer of record. The board shall maintain a record of the project's completion and permanent archive of phase III construction documents, including any addenda and change orders to the project. The boards shall provide project data to the department, as requested, for purposes and reports needed by the Legislature.

(6) REVIEW PROCEDURE.—The Commissioner of Education shall co-operate with the Florida Building Commission in addressing have final review of all questions, disputes, or interpretations involving the provisions of the Florida Uniform Building Code which govern the construction of public educational and ancillary facilities, and any objections to decisions made by the inspectors or the department must be submitted in writing.

(7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The department shall biennially review and recommend to the Florida Building Commission updates and revisions to the provisions of the Florida, update, and revise the Uniform Building Code which govern the construction of public educational and ancillary facilities. The department shall publish and make available to each district school board and community college district board of trustees at no cost copies of the state requirements for educational facilities code and each amendment and revision thereto. The department shall make additional copies available to all interested persons at a price sufficient to recover costs.

~~(8) LEGAL EFFECT OF CODE.—The State Uniform Building Code for Public Educational Facilities Construction has the force and effect of law and supersedes any other code adopted by a district school board or community college district board of trustees or any other building code or ordinance for the construction of educational and ancillary plants whether at the local, county, or state level and whether adopted by rule or legislative enactment. All special acts or general laws of local application are hereby repealed to the extent that they conflict with this section.~~

~~(8)(9)~~ EDUCATION FACILITIES AS EMERGENCY SHELTERS.—

(a) The Department of Education shall, in consultation with boards and county and state emergency management offices, include within the standards to be developed under subsection (1) amend the State Uniform Building Code for Public Educational Facilities Construction to incorporate public shelter design criteria that shall be incorporated into the Florida Uniform Building Code. The new criteria must be designed to ensure that appropriate core facility areas in new educational facilities can serve as public shelters for emergency management purposes. ~~The Commissioner of Education shall publish proposed amendments to the State Uniform Building Code for Public Educational Facilities Construction setting forth the public-shelter criteria by July 1, 1995.~~ A facility, or an appropriate core facility area within a facility, for which a design contract is entered into subsequent to the effective date of the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part thereof is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the Department of Community Affairs. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone is not subject to the requirements of this subsection. If more than one educational facility is being constructed within any 3-mile radius, no more than one facility, which must be selected on the basis of cost-effectiveness and greatest provision of shelter space, is required to incorporate the public shelter criteria into its construction.

(b) By January 31, 1996, and by January 31 every even-numbered year thereafter, the Department of Community Affairs shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. The plan must identify the general location and square footage of existing shelters, by county, and the general location and square footage of needed shelters, by county, in the next 5 years. Such plan must identify the types of public facilities which should be constructed to comply with emergency shelter criteria and must recommend an appropriate, adequate, and dedicated source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, a board may not be required to build more emergency shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to paragraph (a) must be guided by the plan and by this subsection.

~~(9)~~(40) LOCAL LEGISLATION PROHIBITED.—After June 30, 1985, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

Section 12. Effective July 1, 2001, Section 240.2945, Florida Statutes, is created to read:

240.2945 Building construction standards; exemptions.—The state universities are exempt from local amendments to the Florida Building Code and the Fire Prevention Code.

Section 13. Effective July 1, 2001, subsection (2) of section 253.033, Florida Statutes, is amended to read:

253.033 Inter-American Center property; transfer to board; continued use for government purposes.—

(2) It is hereby recognized that certain governmental entities have expended substantial public funds in acquiring, planning for, or constructing public facilities for the purpose of carrying out or undertaking governmental functions on property formerly under the jurisdiction of the authority. All property owned or controlled by any governmental entity shall be exempt from the Florida Building Code and any local amendments thereto and from local building and zoning regulations which might otherwise be applicable in the absence of this section in carrying out or undertaking any such governmental function and purpose.

Section 14. Effective July 1, 2001, paragraph (a) of subsection (1) of section 255.25, Florida Statutes, is amended to read:

255.25 Approval required prior to construction or lease of buildings.—

(1)(a) No state agency may ~~construct a building for state use or lease space in a private building that is to be constructed for state use unless~~ prior approval of the architectural design and preliminary construction plans is first obtained from the Department of Management Services.

Section 15. Effective July 1, 2001, subsections (1) and (2) of section 255.31, Florida Statutes, are amended to read:

255.31 Authority to the Department of Management Services to manage construction projects for state and local governments.—

(1) The design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings is governed by the Florida Building Code and the Florida Fire Prevention Code, which are to be enforced by local jurisdictions or local enforcement districts unless specifically exempted as provided in s. 553.80. However, the Department of Management Services shall provide the project management and administration services for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to the department, provided that, with the exception of facilities constructed under the authority of chapters 944, 945, and 985, the department may not conduct plans reviews or inspection services for consistency with the Florida Building Code. The department's fees for such services shall be paid from such appropriations.

(2) The Department of Management Services may, upon request, enter into contracts with other state agencies under which the department may provide the project management, administration services, or assistance for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to other state agencies, provided that

the department does not conduct plans reviews or inspection services for consistency with the Florida Building Code. The contracts shall provide for payment of fees to the department.

Section 16. Section 316.1955, Florida Statutes, is amended to read:

316.1955 Enforcement of parking requirements spaces for persons who have disabilities.—

(1) ~~This section is not intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act Accessibility Guidelines, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation. Subject to the exceptions described in subsections (2), (4), (5), and (6), when the parking and loading zone requirements of the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG), as adopted by reference in 28 C.F.R. part 36, subparts A and D, and Title II of Pub. L. No. 101-336, provide increased accessibility, those requirements are adopted and incorporated by reference as the law of this state.~~

(2) ~~State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development.~~

(3) ~~If parking spaces are provided for self-parking by employees or visitors, or both, accessible spaces shall be provided in each such parking area. Such spaces shall be designed and marked for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.~~

(4) ~~The number of accessible parking spaces must comply with the parking requirements in ADAAG s. 4.1 and the following:~~

(a) ~~There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of the building.~~

(b) ~~There must be one accessible parking space for each 150 metered onstreet parking spaces provided by state agencies and political subdivisions.~~

(c) ~~The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.~~

(5) ~~Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located in conformance with the guide-~~

lines set forth in ADAAG ss. 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking Design."

(a) ~~All spaces must be located on an accessible route no less than 44 inches wide so that users will not be compelled to walk or wheel behind parked vehicles.~~

(b) ~~Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance. If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.~~

(c)1. ~~Each parking space must be no less than 12 feet wide. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. In accordance with ADAAG s. 4.6.3, access aisles must be placed adjacent to accessible parking spaces; however, two accessible parking spaces may share a common access aisle. The access aisle must be striped diagonally to designate it as a no-parking zone.~~

2. ~~The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities. A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled parking permit.~~

3. ~~Any provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex as defined in s. 509.013(9) in which are provided continuous attendant services for directing individuals to marked accessible parking spaces or designated lots for parking by persons who have disabilities, may, in lieu of the required parking space design, provide parking spaces that comply with ss. 4.1 and 4.6 of the Americans with Disabilities Act Accessibility Guidelines.~~

(d) ~~On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed in conformance with the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5. exception: access aisles are not required. Curbs adjacent to such spaces must be of a height that will not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ADAAG ss. 4.1 and 4.6.~~

~~(e) Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible.~~

~~(f) Curb ramps must be located outside of the disabled parking spaces and access aisles.~~

~~(g)1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. 553.508 must comply with this section unless compliance would cause the barrier removal not to be readily achievable. If compliance would cause the barrier removal not to be readily achievable, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have disabilities to the alternative parking if readily achievable. The facility may not reduce the required number or dimensions of those spaces, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to that of others.~~

~~2. A facility that is making alterations under s. 553.507(2)(b) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have a disability to alternative parking. The facility may not reduce the required number or dimensions of those spaces, nor may it unnecessarily increase the length of the accessible route from a parking space to the facility. The alteration must not create a significant risk to the health or safety of a person who has a disability or to that of others.~~

~~(6) Each such parking space must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at a distance of 84 inches above the ground to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of ADAAG s. 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must indicate the penalty for illegal use of the space. Any provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. 509.013(9) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection does not relieve the owner of the responsibility of complying with the signage requirements of ADAAG s. 4.30.~~

~~(1)(7) It is unlawful for any person to stop, stand, or park a vehicle within, or to obstruct, any such specially designated and marked parking space provided in accordance with s. 553.5041 this section, unless the vehicle displays a disabled parking permit issued under s. 316.1958 or s.~~

320.0848 or a license plate issued under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845, and the vehicle is transporting the person to whom the displayed permit is issued. The violation may not be dismissed for failure of the marking on the parking space to comply with s. 553.5041 ~~this section~~ if the space is in general compliance and is clearly distinguishable as a designated accessible parking space for people who have disabilities. Only a warning may be issued for unlawfully parking in a space designated for persons with disabilities if there is no above-grade sign as provided in s. 553.5041 ~~subsection (6)~~.

(a) Whenever a law enforcement officer, a parking enforcement specialist, or the owner or lessee of the space finds a vehicle in violation of this subsection, that officer, owner, or lessor shall have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the vehicle immediately to remove the unauthorized vehicle from the parking space. Whenever any vehicle is removed under this section to a storage lot, garage, or other safe parking space, the cost of the removal and parking constitutes a lien against the vehicle.

(b) The officer or specialist shall charge the operator or other person in charge of the vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(6).

(c) All convictions for violations of this section must be reported to the Department of Highway Safety and Motor Vehicles by the clerk of the court.

(d) A law enforcement officer or a parking enforcement specialist has the right to demand to be shown the person's disabled parking permit and driver's license or state identification card when investigating the possibility of a violation of this section. If such a request is refused, the person in charge of the vehicle may be charged with resisting an officer without violence, as provided in s. 843.02.

~~(2)(8)~~ It is unlawful for any person to obstruct the path of travel to an accessible parking space, curb cut, or access aisle by standing or parking a vehicle within any such designated area. The violator is subject to the same penalties as are imposed for illegally parking in a space that is designated as an accessible parking space for persons who have disabilities.

~~(3)(9)~~ Any person who is chauffeuring a person who has a disability is allowed, without need for a disabled parking permit or a special license plate, to stand temporarily in any such parking space, for the purpose of loading or unloading the person who has a disability. A penalty may not be imposed upon the driver for such temporary standing.

~~(4)(10)(a)~~ A vehicle that is transporting a person who has a disability and that has been granted a permit under s. 320.0848(1)(a) may be parked for a maximum of 30 minutes in any parking space reserved for persons who have disabilities.

(b) Notwithstanding paragraph (a), a theme park or an entertainment complex as defined in s. 509.013(9) which provides parking in designated

areas for persons who have disabilities may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme park is open to the public for that day.

Section 17. Effective July 1, 2001, subsection (15) of section 381.006, Florida Statutes, is amended to read:

381.006 Environmental health.—The department shall conduct an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

(15) A sanitary facilities function, which shall include minimum standards for the maintenance and sanitation of sanitary facilities; public access to sanitary facilities; ~~the number, operation, design, and maintenance of plumbing fixtures in places serving the public and places of employment;~~ and fixture ratios for special or temporary events and for homeless shelters.

Section 18. Effective July 1, 2001, section 383.301, Florida Statutes, is amended to read:

383.301 Licensure and regulation of birth centers; legislative intent.—It is the intent of the Legislature to provide for the protection of public health and safety in the establishment, ~~construction,~~ maintenance, and operation of birth centers by providing for licensure of birth centers and for the development, establishment, and enforcement of minimum standards with respect to birth centers.

Section 19. Effective July 1, 2001, subsection (1) of section 383.309, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

383.309 Minimum standards for birth centers; rules and enforcement.—

(1) The agency shall adopt and enforce rules to administer ss. 383.30-383.335, which rules shall include, but are not limited to, reasonable and fair minimum standards for ensuring that:

(a) Sufficient numbers and qualified types of personnel and occupational disciplines are available at all times to provide necessary and adequate patient care and safety.

(b) Infection control, housekeeping, sanitary conditions, disaster plan, and medical record procedures that will adequately protect patient care and provide safety are established and implemented.

~~(c) Construction, maintenance, repair, and renovation of licensed facilities are governed by rules of the agency which use the most recently adopted, nationally recognized codes wherever feasible. Facilities licensed under s. 383.305 are exempt from local construction standards to the extent that those standards are in conflict with the standards adopted by rule of the agency.~~

~~(c)~~(d) Licensed facilities are established, organized, and operated consistent with established programmatic standards.

(3) The agency may not establish any rule governing the design, construction, erection, alteration, modification, repair, or demolition of birth centers. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. However, the agency shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern birth centers. In addition, the agency may enforce the special-occupancy provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to birth centers in conducting any inspection authorized under this chapter.

Section 20. Effective July 1, 2001, paragraph (f) of subsection (1) of section 394.879, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

394.879 Rules; enforcement.—

(1) The department, in consultation with the agency, shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter, including, at a minimum, rules providing standards to ensure that:

~~(f) Facility construction and design requirements are consistent with the patients' conditions and that~~ The operation and purposes of these facilities assure individuals' health, safety, and welfare.

(5) The agency or the department may not adopt any rule governing the design, construction, erection, alteration, modification, repair, or demolition of crisis stabilization units. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. However, the agency shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern crisis stabilization units. In addition, the agency may enforce the special-occupancy provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to crisis stabilization units in conducting any inspection authorized under this part.

Section 21. Effective July 1, 2001, paragraph (a) of subsection (1) of section 395.0163, Florida Statutes, is amended to read:

395.0163 Construction inspections; plan submission and approval; fees.—

(1)(a) The design, construction, erection, alteration, modification, repair, and demolition of all public and private health care facilities are governed by the Florida Building Code and the Florida Fire Prevention Code under ss. 553.73 and 663.022. In addition to the requirements of ss. 553.79 and

553.80, the agency shall review facility plans and survey the construction of any facility licensed under this chapter. The agency shall make, or cause to be made, such construction inspections and investigations as it deems necessary. The agency may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agency for preliminary inspection and approval or recommendation with respect to compliance with applicable provisions of the Florida Building Code or agency rules and standards. The agency shall approve or disapprove the plans and specifications within 60 days after receipt of the fee for review of plans as required in subsection (2). The agency may be granted one 15-day extension for the review period if the director of the agency approves the extension. If the agency fails to act within the specified time, it shall be deemed to have approved the plans and specifications. When the agency disapproves plans and specifications, it shall set forth in writing the reasons for its disapproval. Conferences and consultations may be provided as necessary.

Section 22. Effective July 1, 2001, subsection (8) is added to section 395.1055, Florida Statutes, to read:

395.1055 Rules and enforcement.—

(8) The agency may not adopt any rule governing the design, construction, erection, alteration, modification, repair, or demolition of any public or private hospital, intermediate residential treatment facility, or ambulatory surgical center. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. However, the agency shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern hospitals, intermediate residential treatment facilities, and ambulatory surgical centers.

Section 23. Effective July 1, 2001, subsection (8) is added to section 395.10973, Florida Statutes, to read:

395.10973 Powers and duties of the agency.—It is the function of the agency to:

(8) Enforce the special-occupancy provisions of the Florida Building Code which apply to hospitals, intermediate residential treatment facilities, and ambulatory surgical centers in conducting any inspection authorized by this chapter.

Section 24. Effective July 1, 2001, section 399.02, Florida Statutes, is amended to read:

399.02 General requirements.—

(1) The division shall develop and submit to the Florida Building Commission for consideration ~~adopt by rule~~ an elevator safety code, which, when

adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of "The Safety Code for Elevators and Escalators ASME A17.1."

(2)(a) The requirements of this chapter apply to equipment covered by s. 1.1 of the Elevator Safety Code.

(b) The equipment not covered by this chapter includes, but is not limited to, the following: elevators, inclined stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences; elevators in television and radio towers; hand-operated dumbwaiters; sewage pump station lifts; automobile parking lifts; and equipment covered in s. 1.2 of the Elevator Safety Code.

~~(3) The division may grant exceptions to the Elevator Safety Code as authorized by the Elevator Safety Code.~~

(3)(4) Each elevator shall have a serial number assigned by the division painted on or attached to the elevator car in plain view and also to the driving mechanism. This serial number shall be shown on all required certificates and permits.

~~(4)(5)(a)~~ The construction permitholder is responsible for the correction of violations and deficiencies until the elevator has been inspected and a certificate of operation has been issued by the division. The construction permitholder is responsible for all tests of new and altered equipment until the elevator has been inspected and a certificate of operation has been issued by the division.

(b) The elevator owner is responsible for the safe operation and proper maintenance of the elevator after it has been inspected and a certificate of operation has been issued by the division. The responsibilities of the elevator owner may be assigned by lease.

(c) The elevator owner shall report to the division 60 days before the expiration of the certificate of operation whether there exists a service maintenance contract, with whom the contract exists, and the details concerning the provisions and implementation of the contract which the division requires. The division shall keep the names of companies with whom the contract exists confidential pursuant to the public records exemption provided in s. 119.14(4)(b)3. This annual contract report must be made on forms supplied by the division. The elevator owner must report any material change in the service maintenance contract no fewer than 30 days before the effective date of the change. The division shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.

(d) Each elevator company must register and have on file with the division a certificate of comprehensive general liability insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current certificate of competency issued under s. 399.045.

(5)(6) The division is hereby empowered to carry out all of the provisions of this chapter relating to the inspection and regulation of elevators and to enforce the provisions of the Florida Building Code which govern elevators and conveying systems in conducting the inspections authorized under this part to provide for the protection of the public health, welfare, and safety.

(6) The division shall annually review the provisions of the Safety Code for Elevators and Escalators ASME A17.1, or other related model codes and amendments thereto, and recommend to the Florida Building Commission revisions to the Florida Building Code to maintain the protection of the public health, safety, and welfare.

Section 25. Effective July 1, 2001, section 399.03, Florida Statutes, is amended to read:

399.03 Design, installation, and alteration of elevators.—

(1) Each elevator shall comply with the edition of the Florida Building Elevator Safety Code that was in effect at the time of receipt of application for the construction permit for the elevator.

(2) Each alteration to, or relocation of, an elevator shall comply with the edition of the Florida Building Elevator Safety Code that was in effect at the time of receipt of the application for the construction permit for the alteration or relocation.

(3) When any change is made in the classification of an elevator, the elevator shall comply with all of the requirements of the version of the Florida Building Elevator Safety Code that were in effect at the time of receipt of the application for the construction permit for the change in classification.

Section 26. Subsection (1) of section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; correction of deficiencies.—

(1)(a) ~~All For those~~ elevators subject to this chapter must be inspected pursuant to s. 399.13 by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. All elevators for which a service maintenance contract is not continuously in force, the division shall inspect such elevators at least once between July 1 of any year and June 30 of the next year, the state's fiscal year.

~~(b) When a service maintenance contract is continuously maintained with an elevator company, the division shall verify with the elevator company before the end of each fiscal year that the contract is in force and is being implemented. An elevator covered by such a service maintenance contract shall be inspected by a certificate-of-competency holder state elevator inspector at least once every 2 fiscal years; however, if the elevator is not~~

an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.

~~(b)~~(c) The division may inspect an elevator whenever necessary to ensure its safe operation.

Section 27. Effective July 1, 2001, subsection (1) of section 399.13, Florida Statutes, is amended to read:

399.13 Delegation of authority to municipalities or counties.—

(1) The division may enter into contracts with municipalities or counties under which such municipalities or counties will issue construction permits, temporary operation permits, and certificates of operation; will provide inspection of elevators; and will enforce the applicable provisions of the Florida Building Elevator Safety Code, as required by this chapter. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the division copies of all applications for permits issued, a copy of each inspection report issued, and proper records showing the number of certificates of operation issued; shall include a provision that each required inspection be conducted by the holder of a certificate of competency issued by the division; and may include such other provisions as the division deems necessary.

Section 28. Effective July 1, 2001, section 400.011, Florida Statutes, is amended to read:

400.011 Purpose.—The purpose of this part is to provide for the development, establishment, and enforcement of basic standards for:

(1) The health, care, and treatment of persons in nursing homes and related health care facilities; and

(2) The ~~construction~~, maintenance, and operation of such institutions that which will ensure safe, adequate, and appropriate care, treatment, and health of persons in such facilities.

Section 29. Effective July 1, 2001, paragraph (a) of subsection (2) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(2) Pursuant to the intention of the Legislature, the agency, in consultation with the Department of Health and the Department of Elderly Affairs, shall adopt and enforce rules to implement this part, which shall include reasonable and fair criteria in relation to:

(a) ~~The location and construction of the facility; including fire and life safety, plumbing, heating, cooling, lighting, ventilation, and other housing conditions that which~~ will ensure the health, safety, and comfort of residents, including an adequate call system. ~~The agency shall establish standards for facilities and equipment to increase the extent to which new facilities and a new wing or floor added to an existing facility after July 1, 1999,~~

~~are structurally capable of serving as shelters only for residents, staff, and families of residents and staff, and equipped to be self-supporting during and immediately following disasters. The agency shall work with facilities licensed under this part and report to the Governor and Legislature by April 1, 1999, its recommendations for cost-effective renovation standards to be applied to existing facilities. In making such rules, the agency shall be guided by criteria recommended by nationally recognized reputable professional groups and associations with knowledge of such subject matters. The agency shall update or revise such criteria as the need arises. All nursing homes must comply with those lifesafety code requirements and building code standards applicable at the time of approval of their construction plans. The agency may require alterations to a building if it determines that an existing condition constitutes a distinct hazard to life, health, or safety. In performing any inspections of facilities authorized by this part, the agency may enforce the special-occupancy provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to nursing homes. The agency is directed to provide assistance to the Florida Building Commission in updating the construction standards of the code relative to nursing homes. The agency shall adopt fair and reasonable rules setting forth conditions under which existing facilities undergoing additions, alterations, conversions, renovations, or repairs shall be required to comply with the most recent updated or revised standards.~~

Section 30. Effective July 1, 2001, section 400.232, Florida Statutes, is amended to read:

400.232 Review and approval of plans; fees and costs.—The design, construction, erection, alteration, modification, repair, and demolition of all public and private health care facilities are governed by the Florida Building Code and the Florida Fire Prevention Code under ss. 553.73 and 633.022. In addition to the requirements of ss. 553.79 and 553.80, the agency shall review the facility plans and survey the construction of facilities licensed under this chapter.

(1) The agency shall approve or disapprove the plans and specifications within 60 days after receipt of the final plans and specifications. The agency may be granted one 15-day extension for the review period, if the director of the agency so approves. If the agency fails to act within the specified time, it shall be deemed to have approved the plans and specifications. When the agency disapproves plans and specifications, it shall set forth in writing the reasons for disapproval. Conferences and consultations may be provided as necessary.

(2) The agency is authorized to charge an initial fee of \$2,000 for review of plans and construction on all projects, no part of which is refundable. The agency may also collect a fee, not to exceed 1 percent of the estimated construction cost or the actual cost of review, whichever is less, for the portion of the review which encompasses initial review through the initial revised construction document review. The agency is further authorized to collect its actual costs on all subsequent portions of the review and construction inspections. Initial fee payment shall accompany the initial submission of plans and specifications. Any subsequent payment that is due is payable

upon receipt of the invoice from the agency. Notwithstanding any other provisions of law to the contrary, all money received by the agency pursuant to the provisions of this section shall be deemed to be trust funds, to be held and applied solely for the operations required under this section.

Section 31. Section 455.2286, Florida Statutes, is amended to read:

455.2286 Automated information system.—By November 1, ~~2001~~ 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 32. Effective July 1, 2001, section 468.604, Florida Statutes, is amended to read:

468.604 Responsibilities of building code administrators, plans examiners, and inspectors.—

(1) It is the responsibility of the building code administrator or building official to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems within the boundaries of their governmental jurisdiction, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code ~~building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes which are required or adopted by municipal code, county ordinance, or state law~~. The building code administrator or building official shall faithfully perform these responsibilities without interference from any person. These responsibilities include:

(a) The review of construction plans to ensure compliance with all applicable ~~sections of the code codes~~. The construction plans must be reviewed before the issuance of any building, system installation, or other construction permit. The review of construction plans must be done by the building code administrator or building official or by a person having the appropriate plans examiner license issued under this chapter.

(b) The inspection of each phase of construction where a building or other construction permit has been issued. The building code administrator or building official, or a person having the appropriate building code inspector

license issued under this chapter, shall inspect the construction or installation to ensure that the work is performed in accordance with applicable sections of the code codes.

(2) It is the responsibility of the building code inspector to conduct inspections of construction, alteration, repair, remodeling, or demolition of structures and the installation of building systems, when permitting is required, to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code building, plumbing, mechanical, electrical, gas fuel, energy conservation, accessibility, and other construction codes required by municipal code, county ordinance, or state law. Each building code inspector must be licensed in the appropriate category as defined in s. 468.603. The building code inspector's responsibilities must be performed under the direction of the building code administrator or building official without interference from any unlicensed person.

(3) It is the responsibility of the plans examiner to conduct review of construction plans submitted in the permit application to assure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code all applicable codes required by municipal code, county ordinance, or state law. The review of construction plans must be done by the building code administrator or building official or by a person licensed in the appropriate plans examiner category as defined in s. 468.603. The plans examiner's responsibilities must be performed under the supervision and authority of the building code administrator or building official without interference from any unlicensed person.

Section 33. Section 468.607, Florida Statutes, is amended to read:

468.607 Certification of building code administration and inspection personnel.—The board shall issue a certificate to any individual whom the board determines to be qualified, within such class and level as provided in this part and with such limitations as the board may place upon it. No person may be employed by a state agency or local governmental authority to perform the duties of a building code administrator, plans examiner, or inspector after October 1, 1993, without possessing the proper valid certificate issued in accordance with the provisions of this part. Any person who acts as an inspector and plan examiner under s. 235.26 while conducting activities authorized by certification under that section is certified to continue to conduct inspections for a local enforcement agency until the person's UBCI certification expires, after which time such person must possess the proper valid certificate issued in accordance with this part.

Section 34. Subsections (2) and (3) of section 468.609, Florida Statutes, are amended, and paragraph (e) is added to subsection (6) of said section, to read:

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

(2) A person ~~may~~ shall be entitled to take the examination for certification as an inspector or plans examiner pursuant to this part if the person:

- (a) Is at least 18 years of age.;
- (b) Is of good moral character.;
- (c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 5 years' combined experience in the field of construction or a related field, building inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 4 years, with at least 1 year of such total being experience in construction, building inspection, or plans review; or

4. Currently holds a standard certificate as issued by the board and satisfactorily completes an inspector or plans examiner training program of not less than 200 hours in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs.

(d) After the Building Code Training Program is established under s. 553.841, demonstrates successful completion of the core curriculum and specialized or advanced module coursework 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 coursework within 6 months after such certification.

(3) A person may ~~shall be entitled to~~ take the examination for certification as a building code administrator pursuant to this part if the person:

- (a) Is at least 18 years of age.;
- (b) Is of good moral character.;
- (c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 10 years' combined experience as an architect, engineer, plans examiner, building code inspector, registered or certified contractor, or construction superintendent, with at least 5 years of such experience in supervisory positions; or

2. Demonstrates a combination of postsecondary education in the field of construction or related field, no more than 5 years of which may be applied, and experience as an architect, engineer, plans examiner, building code

inspector, registered or certified contractor, or construction superintendent which totals 10 years, with at least 5 years of such total being experience in supervisory positions.

~~(d) After the Building Code Training Program is established under s. 553.841, demonstrates successful completion of the core curriculum and specialized or advanced module coursework 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 coursework within 6 months after such certification.~~

(6)

(e) By January 1, 2001, individuals who were employed by an educational board as building code administrators, plans examiners, or inspectors, who are not eligible for a standard certificate but who wish to continue in such employment, shall submit to the board the appropriate application and certification fees and shall receive a limited certificate qualifying such individuals to engage in building code administration, plans examination, or inspection in the class, at the performance level, and within the governmental jurisdiction in which such person is employed.

Section 35. Section 468.617, Florida Statutes, is amended to read:

468.617 Joint inspection department; other arrangements.—

(1) Nothing in this part shall prohibit any local jurisdiction, school board, community college board, state university, or state agency from entering into and carrying out contracts with any other local jurisdiction or educational board under which the parties agree to create and support a joint inspection department for conforming to the provisions of this part. In lieu of a joint inspection department, any local jurisdiction may designate an inspector from another local jurisdiction to serve as an inspector for the purposes of this part.

(2) Nothing in this part shall prohibit local governments, school boards, community college boards, state universities, or state agencies from contracting with persons certified pursuant to this part to perform inspections or plan reviews. An individual or entity may not inspect or examine plans on projects in which the individual or entity designed or permitted the projects.

(3) Nothing in this part shall prohibit any county or municipal government, school board, community college board, state university, or state agency from entering into any contract with any person or entity for the provision of services regulated under this part, and notwithstanding any other statutory provision, such county or municipal governments may enter into contracts.

Section 36. Effective July 1, 2001, paragraph (d) of subsection (1) of section 469.002, Florida Statutes, is amended to read:

469.002 Exemptions.—

(1) This chapter does not apply to:

(d) Moving, removal, or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement as provided in chapter 1 of the Florida Building Code. ~~in substantially the following form:~~

Disclosure Statement

~~State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove, or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state, and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.~~

Section 37. Subsection (7) is added to section 471.015, Florida Statutes, to read:

471.015 Licensure.—

(7) The board shall, by rule, establish qualifications for certification of licensees as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the board, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the board to be a special inspector. The board shall develop minimum qualifications for the qualified representative of the special inspector who is authorized to perform inspections of threshold buildings on behalf of the special inspector under s. 553.79.

Section 38. Subsection (7) is added to section 481.213, Florida Statutes, to read:

481.213 Licensure.—

(7) For persons whose licensure requires satisfaction of the requirements of ss. 481.209 and 481.211, the board shall, by rule, establish qualifications for certification of such persons as special inspectors of threshold buildings, as defined in ss. 553.71 and 553.79, and shall compile a list of persons who are certified. A special inspector is not required to meet standards for certification other than those established by the board, and the fee owner of a threshold building may not be prohibited from selecting any person certified by the board to be a special inspector. The board shall develop minimum qualifications for the qualified representative of the special inspector who is authorized under s. 553.79 to perform inspections of threshold buildings on behalf of the special inspector.

Section 39. Effective July 1, 2001, subsection (19) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(19) The sale, delivery, assembly, or tie-down of prefabricated portable sheds that are not more than 250 square feet in interior size and are not intended for use as a residence or as living quarters. This exemption may not be construed to interfere with the Florida Building Code or any applicable local technical amendment to the Florida Building Code ~~local building codes~~, local licensure requirements, or other local ordinance provisions.

Section 40. Effective July 1, 2001, subsection (3) of section 489.109, Florida Statutes, is amended to read:

489.109 Fees.—

(3) In addition to the fees provided in subsection (1) for application and renewal for certification and registration, all certificateholders and registrants must pay a fee of \$4 to the department at the time of application or renewal. The funds must be transferred at the end of each licensing period to the Department of Community Affairs Education ~~Education~~ to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida, to be selected by the Florida Building Commission. The board shall, at the time the funds are transferred, advise the Department of Community Affairs Education ~~Education~~ on the most needed areas of research or continuing education based on significant changes in the industry's practices or on changes in the state building code or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of Community Affairs Education. ~~The Department of Education must allocate 50 percent of the funds to a graduate program in building construction in a Florida university and 50 percent of the funds to all accredited private and state universities and community colleges within the state offering approved courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution.~~ The Department of Community Affairs Education shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of

Community Affairs Education shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects.

Section 41. 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, business practices, 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. The board shall prescribe by rule the continuing education, if any, which is required during the first biennium of initial licensure. A person who has been licensed for less than an entire biennium must not be required to complete the full 14 hours of continuing education.

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 Florida Building Commission 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 42. Section 21 of chapter 98-287, Laws of Florida, is amended to read:

Section 21. Effective ~~July~~ 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 43. Section 497.255, Florida Statutes, is amended to read:

497.255 Standards for construction and significant alteration or renovation of mausoleums and columbaria.—

(1) All newly constructed and significantly altered or renovated mausoleums and columbaria must, in addition to complying with applicable building codes, conform to the standards adopted under this section.

(2) The board shall adopt, by no later than July 1, 1999, rules establishing minimum standards for all newly constructed and significantly altered or renovated mausoleums and columbaria; however, in the case of significant alterations or renovations to existing structures, the rules shall apply only, when physically feasible, to the newly altered or renovated portion of such structures, except as specified in subsection (4). In developing and promulgating said rules, the board may define different classes of structures or construction standards, and may provide for different rules to apply to each of said classes, if the designation of classes and the application of different rules is in the public interest and is supported by findings by the board based on evidence of industry practices, economic and physical feasibility, location, or intended uses; provided, that the rules shall provide minimum standards applicable to all construction. For example, and without limiting the generality of the foregoing, the board may determine that a small single-story ground level mausoleum does not require the same level of construction standards that a large multistory mausoleum might require; or that a mausoleum located in a low-lying area subject to frequent flooding or hurricane threats might require different standards than one located on high ground in an area not subject to frequent severe weather threats. The board shall develop the rules in cooperation with, and with technical assistance from, the Florida Board of Building Commission Codes and Standards of the Department of Community Affairs, to ensure that the rules are in the proper form and content to be included as part of the State Minimum Building Codes under part VII of chapter 553. If the Florida Board of Building Commission Codes and Standards advises that some of the standards proposed by the board are not appropriate for inclusion in such building codes, the board may choose to include those standards in a distinct chapter of its rules entitled "Non-Building-Code Standards for Mausoleums" or "Additional Standards for Mausoleums," or other terminology to that effect. If the board elects to divide the standards into two or more chapters, all such rules shall be binding on licensees and others subject to the jurisdiction of the board, but only the chapter containing provisions appropriate for building codes shall be transmitted to the Florida Board of Building Commission Codes and Standards pursuant to subsection (3). Such rules may be in the form of standards for design and construction; methods, materials, and specifications for construction; or other mechanisms. Such rules shall encompass, at a minimum, the following standards:

(a) No structure may be built or significantly altered for use for interment, entombment, or inurnment purposes unless constructed of such material and workmanship as will ensure its durability and permanence, as well as the safety, convenience, comfort, and health of the community in which it is located, as dictated and determined at the time by modern mausoleum construction and engineering science.

(b) Such structure must be so arranged that the exterior of any vault, niche, or crypt may be readily examined at any time by any person authorized by law to do so.

(c) Such structure must contain adequate provision for drainage and ventilation.

(d) Such structure must be of fire-resistant construction. Notwithstanding the requirements of s. 553.895 and chapter 633, any mausoleum or columbarium constructed of noncombustible materials, as defined in the Standard Building Code, shall not require a sprinkler system.

(e) Such structure must be resistant to hurricane and other storm damage to the highest degree provided under applicable building codes for buildings of that class.

(f) Suitable provisions must be made for securely and permanently sealing each crypt with durable materials after the interment or entombment of human remains, so that no effluvia or odors may escape therefrom except as provided by design and sanitary engineering standards. Panels for permanent seals must be solid and constructed of materials of sufficient weight, permanence, density, imperviousness, and strength as to ensure their durability and continued functioning. Permanent crypt sealing panels must be securely installed and set in with high quality fire-resistant, resilient, and durable materials after the interment or entombment of human remains. The outer or exposed covering of each crypt must be of a durable, permanent, fire-resistant material; however, plastic, fiberglass, and wood are not acceptable materials for such outer or exposed coverings.

(g) Interior and exterior fastenings for hangers, clips, doors, and other objects must be of copper, copper-base alloy, aluminum, or stainless steel of adequate gauges, or other materials established by rule which provide equivalent or better strength and durability, and must be properly installed.

(3) The board shall transmit the rules as adopted under subsection (2), hereinafter referred to as the "mausoleum standards," to the Florida Board of Building Commission Codes and Standards, which shall initiate rulemaking under chapter 120 to consider such mausoleum standards. If such mausoleum standards are not deemed acceptable, they shall be returned by the Florida Board of Building Commission Codes and Standards to the board with details of changes needed to make them acceptable. If such mausoleum standards are acceptable, the Florida Board of Building Commission Codes and Standards shall adopt a rule designating the mausoleum standards as an approved revision to the State Minimum Building Codes under part VII of chapter 553. When so designated by the Florida Board of Building Commission Codes and Standards, such mausoleum standards shall become a required element of the State Minimum Building Codes under s. 553.73(2) and shall be transmitted to each local enforcement agency, as defined in s. 553.71(5). Such local enforcement agency shall consider and inspect for compliance with such mausoleum standards as if they were part of the local building code, but shall have no continuing duty to inspect after final approval of the construction pursuant to the local building code. Any further amendments to the mausoleum standards shall be accomplished by the same procedure. Such designated mausoleum standards, as from time to time amended, shall be a part of the State Minimum Building Codes under s. 553.73 until the adoption and effective date of a new statewide uniform

minimum building code, which may supersede the mausoleum standards as provided by the law enacting the new statewide uniform minimum building code.

(4) In addition to the rules adopted under subsection (2), the board shall adopt rules providing that following all interments, inurnments, and entombments in mausoleums and columbaria occurring after the effective date of such rules, whether newly constructed or existing, suitable provision must be made, when physically feasible, for sealing each crypt in accordance with standards promulgated pursuant to paragraph (2)(f).

(5) For purposes of this section, "significant alteration or renovation" means any addition, renovation, or repair which results in the creation of new crypt or niche spaces.

Section 44. Effective July 1, 2001, subsection (8) is added to section 500.09, Florida Statutes, to read:

500.09 Rulemaking; analytical work.—

(8) The department may adopt rules necessary for the sanitary manufacture, processing, or handling of food, except for those governing the design, construction, erection, alteration, modification, repair, or demolition of any building, structure, or facility wherein food products are manufactured, processed, handled, stored, sold, or distributed. It is the intent of the Legislature to preempt those functions to the Florida Building Commission through adoption and maintenance of the Florida Building Code. The department shall provide technical assistance to the commission in updating the construction standards of the Florida Building Code which relate to food safety. However, the department is authorized to enforce the provisions of the Florida Building Code which apply to food establishments in conducting any inspections authorized by this chapter.

Section 45. Effective July 1, 2001, subsections (7) and (8) are added to section 500.12, Florida Statutes, to read:

500.12 Food permits; building permits.—

(7) In conducting any preoperational or other inspection, the department may enforce provisions of the Florida Building Code relating to food establishments.

(8) Any person who, after October 1, 2000, applies for or renews a local occupational license to engage in business as a food establishment must exhibit a current food permit or an active letter of exemption from the department before the local occupational license may be issued or renewed.

Section 46. Effective July 1, 2001, subsection (1) of section 500.147, Florida Statutes, is amended to read:

500.147 Inspection of food establishments and vehicles; food safety pilot program.—

(1) The department or its duly authorized agent shall have free access at all reasonable hours to any food establishment or any vehicle being used to transport or hold food in commerce for the purpose of inspecting such establishment or vehicle to determine if any provision of this chapter or any rule adopted under the chapter is being violated; to secure a sample or a specimen of any food after paying or offering to pay for such sample; ~~or to see that all sanitary rules adopted by the department are complied with; or to enforce the special-occupancy provisions of the Florida Building Code which apply to food establishments.~~

Section 47. Effective July 1, 2001, paragraph (d) of subsection (2) and subsection (7) of section 509.032, Florida Statutes, are amended to read:

509.032 Duties.—

(2) INSPECTION OF PREMISES.—

(d) The division shall adopt and enforce sanitation rules consistent with law to ensure the protection of the public from food-borne illness in those establishments licensed under this chapter. These rules shall provide the standards and requirements for obtaining, storing, preparing, processing, serving, or displaying food in public food service establishments, approving public food service establishment facility plans, conducting necessary public food service establishment inspections for compliance with sanitation regulations, cooperating and coordinating with the Department of Health in epidemiological investigations, and initiating enforcement actions, and for other such responsibilities deemed necessary by the division. The division may not establish by rule any regulation governing the design, construction, erection, alteration, modification, repair, or demolition of any public lodging or public food service establishment. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. The division shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern public lodging and public food service establishments. Further, the division shall enforce the provisions of the Florida Building Code and the Florida Fire Prevention Code which apply to public lodging and public food service establishments in conducting any inspections authorized by this part.

(7) PREEMPTION AUTHORITY.—~~The regulation and inspection of public lodging establishments and public food service establishments, the inspection of public lodging establishments and public food service establishments for compliance with the sanitation standards adopted under this section, and the regulation of food safety protection standards for required training and testing of food service establishment personnel are preempted to the state. This subsection does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.022.~~

Section 48. Effective July 1, 2001, subsection (1) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(1) Each public lodging establishment and each public food service establishment shall be supplied with potable water and shall provide adequate sanitary facilities for the accommodation of its employees and guests. Such facilities may include, but are not limited to, showers, handwash basins, toilets, and bidets. Such sanitary facilities shall be connected to approved plumbing. Such plumbing shall be sized, installed, and maintained in accordance with the Florida Building Code applicable state and local plumbing codes. Wastewater or sewage shall be properly treated onsite or discharged into an approved sewage collection and treatment system.

Section 49. Effective July 1, 2001, section 514.021, Florida Statutes, is amended to read:

514.021 Department authorization.—

(1) The department is authorized to adopt and enforce rules to protect the health, safety, or welfare of persons using public swimming pools and bathing places. The department shall review and revise such rules as necessary, but not less than biannually. Sanitation and safety standards shall include, but not be limited to, matters relating to structure; appurtenances; operation; source of water supply; bacteriological, chemical, and physical quality of water in the pool or bathing area; method of water purification, treatment, and disinfection; lifesaving apparatus; measures to ensure safety of bathers; and measures to ensure the personal cleanliness of bathers.

(2) The department may not establish by rule any regulation governing the design, alteration, modification, or repair of public swimming pools and bathing places which has no impact on the health, safety, and welfare of persons using public swimming pools and bathing places. Further, the department may not adopt by rule any regulation governing the construction, erection, or demolition of public swimming pools and bathing places. It is the intent of the Legislature to preempt those functions to the Florida Building Commission through adoption and maintenance of the Florida Building Code. The department shall provide technical assistance to the commission in updating the construction standards of the Florida Building Code which govern public swimming pools and bathing places. Further, the department is authorized to conduct plan reviews, to issue approvals, and to enforce the special-occupancy provisions of the Florida Building Code which apply to public swimming pools and bathing places in conducting any inspections authorized by this chapter. This subsection does not abrogate the authority of the department to adopt and enforce appropriate sanitary regulations and requirements as authorized in subsection (1).

Section 50. Effective July 1, 2001, section 514.03, Florida Statutes, is amended to read:

514.03 Construction plans approval necessary to construct, develop, or modify public swimming pools or bathing places.—It is unlawful for any

person or public body to construct, develop, or modify any public swimming pool or bathing place without a valid construction plans approval from the department. This section does not preempt the authority of local governments or local enforcement districts to conduct plan reviews and inspections of public swimming pools and bathing places for compliance with the general construction standards of the Florida Building Code, pursuant to s. 553.80.

(1) Any person or public body desiring to construct, develop, or modify any public swimming pool or bathing place shall file an application for a construction plans approval with the department on application forms provided by the department and shall accompany such application with:

(a) Engineering drawings, specifications, descriptions, and detailed maps of the structure, its appurtenances, and its intended operation.

(b) A description of the source or sources of water supply and amount and quality of water available and intended to be used.

(c) A description of the method and manner of water purification, treatment, disinfection, and heating.

(d) Other applicable information deemed necessary by the department to fulfill the requirements of this chapter.

(2) If the proposed construction of, development of, or modification of a public swimming pool or bathing place meets standards of public health and safety as defined in this chapter and rules adopted hereunder, the department shall grant the application for the construction plans approval within 30 days after receipt of a complete submittal. If engineering plans submitted are in substantial compliance with the standards aforementioned, the department may approve the plans with provisions for corrective action to be completed prior to issuance of the operating permit.

(3) If the proposed construction, development, or modification of a public swimming pool or bathing place fails to meet standards of public health and safety as defined in this chapter and rules adopted hereunder, the department shall deny the application for construction plans approval pursuant to the provisions of chapter 120. Such denial shall be issued in writing within 30 days and shall list the circumstances for denial. Upon correction of such circumstances, an applicant previously denied permission to construct, develop, or modify a public swimming pool or bathing place may reapply for construction plans approval.

(4) An approval of construction plans issued by the department under this section becomes void 1 year after the date the approval was issued if the construction is not commenced within 1 year after the date of issuance.

Section 51. Subsection (1) of section 553.06, Florida Statutes, is amended to read:

553.06 State Plumbing Code.—

(1) The Florida Building Commission 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 commission 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 52. Effective July 1, 2001, section 553.141, Florida Statutes, is amended to read:

553.141 Public restrooms; ratio of facilities for men and women; application; incorporation into the Florida Building Code rules.—The Florida Building Commission shall incorporate into the Florida Building Code, to be adopted by rule pursuant to s. 553.73(1), a ratio of public restroom facilities for men and women which must be provided in all buildings that are newly constructed after September 30, 1992, and that have restrooms open to the public.

~~(1) A building that is newly constructed after September 30, 1992, and that is a publicly owned building or a privately owned building that has restrooms open to the public must have a ratio of 3 to 2 water closets provided for women as the combined total of water closets and urinals provided for men, unless there are two or fewer fixtures for men.~~

~~(2) As used in this section, the term “newly constructed” means new construction, building, alteration, rehabilitation, or repair that equals or exceeds 50 percent of the replacement value existing on October 1, 1992, unless the same was under design or construction, or under construction contract before October 1, 1992.~~

~~(3) This section does not apply to establishments licensed under chapter 509 if the establishment does not provide meeting or banquet rooms which accommodate more than 150 persons and the establishment has at least the same number of water closets for women as the combined total of water closets and urinals for men.~~

~~(4) The Board of Building Codes and Standards shall adopt rules to administer this section, pursuant to chapter 120.~~

Section 53. The Division of Statutory Revision is requested to change the title of part IV of chapter 553, Florida Statutes, to “MANUFACTURED BUILDINGS.”

Section 54. Effective July 1, 2001, section 553.355, Florida Statutes, is created to read:

553.355 Minimum construction requirements established.—The Florida Building Code and the Florida Fire Prevention and Lifesafety Codes shall be the minimum construction requirements governing the manufacture, design, construction, erection, alteration, modification, repair, and demolition of manufactured buildings.

Section 55. Subsections (5) and (11) of section 553.36, Florida Statutes, are amended, present subsections (13) and (14) of said section are redesignated as subsections (14) and (15), respectively, and a new subsection (13) is added to said section, to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(5) “Component” means any assembly, subassembly, or combination of parts for use as a part of a building, which may include structural, electrical, mechanical, and fire protection systems and other systems affecting health and safety. Components that incorporate elements of a building subject to the product approval system adopted under s. 553.842 are subject to approval in accordance with the product approval system upon implementation thereof and are not subject to the rules adopted under this part. Components to which the rules adopted under this part apply are limited to three-dimensional systems for use as part of a building.

(11) “Manufactured building” means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection, ~~with or without other specified components,~~ as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes. ~~Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation, on the building site.~~

(13) “Module” means a separately transported three-dimensional component of a manufactured building which contains all or a portion of structural systems, electrical systems, plumbing systems, mechanical systems, fire systems, and thermal systems.

Section 56. Effective July 1, 2001, subsections (1) and (2) of section 553.36, Florida Statutes, are amended to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

(1) “Approved” means conforming to the requirements of the Florida Building Code Department of Community Affairs.

(2) “Approved inspection agency” means an organization determined by the department to be especially qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate, test, and evaluate manufactured building units or systems or the component parts thereof, together with the plans, specifications, and quality control procedures to ensure that such units, systems, or component parts are in full compliance with the Florida Building Code standards adopted by the department pursuant to this part and to label such units complying with those standards.

Section 57. Subsections (1), (2), (5), and (8) of section 553.37, Florida Statutes, are amended, present subsection (9) of said section is redesignated as subsection (11), and new subsections (9) and (10) are added to said section, to read:

553.37 Rules; inspections; and insignia.—

(1) The department may enter into contracts and take actions necessary and incidental to the administration of its authority under this part. In addition, the department shall adopt rules in accordance with chapter 120 setting requirements for construction or modification of manufactured buildings and building modules, to address:

(a) Submittal to and approval by the department of manufacturers’ drawings and specifications, including any amendments.

(b) Submittal to and approval by the department of manufacturers’ internal quality control procedures and manuals, including any amendments.

(c) Procedures and qualifications for approval of third-party plan review and inspection entities and of those who perform inspections and plan reviews.

(d) Investigation of consumer complaints of noncompliance of manufactured buildings with the requirements for construction or modification of such buildings.

~~(e)~~(e) Issuance, cancellation, and revocation of any insignia issued by the department and procedures for auditing and accounting for disposition of them.

(f) Monitoring the manufacturers’, inspection entities’, and plan review entities’ compliance with this part. Monitoring may include, but is not limited to, performing audits of plans, inspections of manufacturing facilities and observation of the manufacturing and inspection process, and onsite inspections of buildings.

~~(g)~~(d) The performance by the department of any other functions required by this part.

(2) After the effective date of the rules adopted pursuant to this part, no manufactured building, except as provided in subsection ~~(11)~~(9), may be

installed in this state unless it is approved and bears the insignia of approval of the department. Approvals issued by the department under the provisions of the prior part shall be deemed to comply with the requirements of this part.

(5) Manufactured buildings which have been issued and bear the insignia of approval pursuant to this part upon manufacture or first sale shall not require an additional approval or insignia by a local government in which they are subsequently sold or installed. Buildings or structures that meet the definition of "open construction" are subject to permitting by the local jurisdiction and are not required to bear insignia.

(8) The department may delegate its enforcement authority to a state department having building construction responsibilities or a local government. The department ~~may itself shall not inspect manufactured buildings~~ but shall delegate its plan review and inspection authority to a state department having building construction responsibilities, a local government, an approved inspection agency, an approved plan review agency, or an agency of another state.

(9) If the department delegates its inspection authority to third-party approved inspection agencies, manufacturers must have one, and only one, inspection agency responsible for inspection of a manufactured building, module, or component at all times.

(10) If the department delegates its inspection authority to third-party approved plan review agencies, manufacturers must have one, and only one, plan review agency responsible for review of plans of a manufactured building, module, or component at all times.

Section 58. Effective July 1, 2001, subsections (1), (2), (3), (4), (6), (7), (9), and (10) of section 553.37, Florida Statutes, as amended by this act, are amended to read:

553.37 Rules; inspections; and insignia.—

(1) ~~The Florida Building Commission department may enter into contracts and take actions necessary and incidental to the administration of its authority under this part. In addition, the department shall adopt within the Florida Building Code rules in accordance with chapter 120 setting requirements for construction or modification of manufactured buildings and building modules, to address:~~

(a) Submittal to and approval by the department of manufacturers' drawings and specifications, including any amendments.

(b) Submittal to and approval by the department of manufacturers' internal quality control procedures and manuals, including any amendments.

(c) Procedures and qualifications for approval of third-party plan review and inspection entities and of those who perform inspections and plan review.

(d) Investigation of consumer complaints of noncompliance of manufactured buildings with the Florida Building Code and the Florida Fire Prevention Code requirements for construction or modification of such buildings.

(e) Issuance, cancellation, and revocation of any insignia issued by the department and procedures for auditing and accounting for disposition of them.

(f) Monitoring the manufacturers', inspection entities', and plan review entities' compliance with this part and the Florida Building Code. Monitoring may include, but is not limited to, performing audits of plans, inspections of manufacturing facilities and observation of the manufacturing and inspection process, and onsite inspections of buildings.

(g) The performance by the department of any other functions required by this part.

(2) After the effective date of the Florida Building Code rules adopted pursuant to this part, no manufactured building, except as provided in subsection (11), may be installed in this state unless it is approved and bears the insignia of approval of the department. Approvals issued by the department under the provisions of the prior part shall be deemed to comply with the requirements of this part.

(3) All manufactured buildings issued and bearing insignia of approval pursuant to subsection (2) shall be deemed to comply with the Florida Building Code and are exempt from local amendments requirements of all ordinances or rules enacted by any local government which governs construction.

(4) No manufactured building bearing department insignia of approval pursuant to subsection (2) shall be in any way modified prior to installation, except in conformance with the Florida Building Code rules of the department.

(6) If the Florida Building Commission department determines that the standards for construction and inspection of manufactured buildings prescribed by statute or rule of another state are at least equal to the Florida Building Code rules prescribed under this part and that such standards are actually enforced by such other state, it may provide by rule that the manufactured building which has been inspected and approved by such other state shall be deemed to have been approved by the department and shall authorize the affixing of the appropriate insignia of approval.

(7) The Florida Building Commission department, by rule, shall establish a schedule of fees to pay the cost incurred by the department for the work related to administration and enforcement of this part.

(9) If the commission department delegates its inspection authority to third-party approved inspection agencies, manufacturers must have one, and only one, inspection agency responsible for inspection of a manufactured building, module, or component at all times.

(10) If the commission department delegates its inspection authority to third-party approved plan review agencies, manufacturers must have one, and only one, plan review agency responsible for review of plans of a manufactured building, module, or component at all times.

Section 59. Effective July 1, 2001, section 553.375, Florida Statutes, is created to read:

553.375 Recertification of manufactured buildings.—Prior to the relocation, modification, or change of occupancy of a manufactured building within the state, the manufacturer, dealer, or owner thereof may apply to the department for recertification of that manufactured building. The department shall, by rule, provide what information the applicant must submit for recertification and for plan review and inspection of such manufactured buildings and shall establish fees for recertification. Upon a determination by the department that the manufactured building complies with the applicable building codes, the department shall issue a recertification insignia. A manufactured building that bears recertification insignia does not require any additional approval by an enforcement jurisdiction in which the building is sold or installed, and is considered to comply with all applicable codes. As an alternative to recertification by the department, the manufacturer, dealer, or owner of a manufactured building may seek appropriate permitting and a certificate of occupancy from the local jurisdiction in accordance with procedures generally applicable under the Florida Building Code.

Section 60. Effective July 1, 2001, section 553.38, Florida Statutes, is amended to read:

553.38 Application and scope.—

~~(1) The department shall promulgate rules which protect the health, safety, and property of the people of this state by assuring that each manufactured building is structurally sound and properly installed on site and that plumbing, heating, electrical, and other systems thereof are reasonably safe, and which interpret and make specific the provisions of this part.~~

(2) The department shall enforce every provision of the Florida Building Code this part and the rules adopted pursuant hereto, except that local land use and zoning requirements, fire zones, building setback requirements, side and rear yard requirements, site development requirements, property line requirements, subdivision control, and onsite installation requirements, as well as the review and regulation of architectural and aesthetic requirements, are specifically and entirely reserved to local authorities. Such local requirements and rules which may be enacted by local authorities must be reasonable and uniformly applied and enforced without any distinction as to whether a building is a conventionally constructed or manufactured building. A local government shall require permit fees only for those inspections actually performed by the local government for the installation of a factory-built structure. Such fees shall be equal to the amount charged for similar inspections on conventionally built housing.

Section 61. Section 553.381, Florida Statutes, is amended to read:

553.381 Manufacturer certification; ~~product liability insurance as prerequisite.~~—

(1) Before manufacturing buildings to be located within this state or selling manufactured buildings within this state, whichever occurs later, a manufacturer must be certified by the department. The department shall certify a manufacturer upon receipt from the manufacturer and approval and verification by the department of the following:

(a) The manufacturer's internal quality-control procedures and manuals, including any amendments;

~~(b) As a prerequisite to obtaining approval to produce manufactured buildings for sale in the state, the manufacturer must submit Evidence that the manufacturer she or he has product liability insurance for the safety and welfare of the public in amounts determined by rule of the department; and.~~

(c) The fee established by the department under s. 553.37(7).

(2) The department may revoke any certification upon the failure of the manufacturer to comply with the construction standards adopted under this part or other requirements of this part.

(3) Certification of manufacturers under this section shall be for a period of 3 years, subject to renewal by the manufacturer. Upon application for renewal, the manufacturer must submit the information described in subsection (1) or a sworn statement that there has been no change in the status or content of that information since the manufacturer's last submittal. Fees for renewal of manufacturers' certification shall be established by the department by rule.

Section 62. Effective July 1, 2001, section 553.381, Florida Statutes, as amended by this act, is amended to read:

553.381 Manufacturer certification.—

(1) Before manufacturing buildings to be located within this state or selling manufactured buildings within this state, whichever occurs later, a manufacturer must be certified by the department. The department shall certify a manufacturer upon receipt from the manufacturer and approval and verification by the department of the following:

(a) The manufacturer's internal quality-control procedures and manuals, including any amendments;

(b) Evidence that the manufacturer has product liability insurance for the safety and welfare of the public in amounts determined by rule of the commission department; and

(c) The fee established by the commission department under s. 553.37(7).

(2) The department may revoke any certification upon the failure of the manufacturer to comply with the Florida Building Code ~~construction standards adopted under this part~~ or other requirements of this part.

(3) Certification of manufacturers under this section shall be for a period of 3 years, subject to renewal by the manufacturer. Upon application for renewal, the manufacturer must submit the information described in subsection (2) or a sworn statement that there has been no change in the status or content of that information since the manufacturer's last submittal. Fees for renewal of manufacturers' certification shall be established by the commission department by rule.

Section 63. Effective July 1, 2001, section 553.39, Florida Statutes, is amended to read:

553.39 Injunctive relief.—The department may seek injunctive or other relief from the circuit court of appropriate jurisdiction to compel compliance with the requirements of this part or with the Florida Building Code rules issued pursuant thereto or to enjoin the sale, delivery, or installation of a manufactured building, upon an affidavit specifying the manner in which the building does not conform to the Florida Building Code or other requirements of this part ~~or to rules issued pursuant thereto~~. Noncompliance with the Florida Building Code or this part or the rules promulgated under this part shall be considered prima facie evidence of irreparable damage in any cause of action brought under the authority of this part.

Section 64. Section 553.41, Florida Statutes, is created to read:

553.41 Factory-built school buildings.—

(1) It is the purpose of this section to provide an alternative procedure for the construction and installation of factory-built school buildings designed or intended for use as school buildings. As used in this section, the term "factory-built school building" means any building designed or intended for use as a school building, which is in whole or in part, manufactured at an off site facility in compliance with the State Uniform Code for Public Educational Facilities and Department of Education rule, effective on January 5, 2000. After July 1, 2001, the Uniform Code for Public Educational Facilities shall be incorporated into the Florida Building Code, including specific requirements for Public Educational Facilities and the Department of Education rule, effective on January 5, 2000. For the purpose of this section, factory-built school buildings include prefabricated educational facilities, factory-built educational facilities, and modular built educational facilities, that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms or the components of an entire school; and do not fall under the provisions of ss. 320.822-320.862.

(2) A manufacturer of factory-built school buildings shall be subject to the certification and enforcement requirements in part IV of chapter 553 except as provided in this section.

(3) Within 90 days after the effective date of this section, the department shall adopt by emergency rule regulations to carry out the provisions of this section. Such rule shall ensure the safety of design, construction, accessibility, alterations, and inspections and shall also prescribe procedures for the plans, specifications, and methods of construction to be submitted to the department for approval.

(4) A manufacturer of factory-built school buildings designed or intended for use as school buildings shall submit to the department for approval the manufacturer's plans, specifications, alterations, and methods of construction. The department is authorized to charge manufacturers a fee which reflects the actual expenses incurred for the review of such plans and specifications.

(5) The department, in accordance with the standards and procedures adopted pursuant to this section and as such standards and procedures may thereafter be modified, shall approve or reject such plans, specifications, and methods of construction. Approval shall not be given unless such plans, specifications, and methods of construction are in compliance with the State Uniform Building Code for Public Educational Facilities and department rule. After July 1, 2001, the Uniform Code for Public Educational facilities shall be incorporated into the Florida Building Code, including specific requirements for public educational facilities and department rule.

(6) The department may delegate its plans review authority to a state agency or public or private entity; however, the department shall ensure that any person conducting plans reviews is a certified plans examiner, pursuant to part XII of chapter 468.

(7) A standard plan approval may be obtained from the department for factory-built school buildings and such department-approved plans shall be accepted by the enforcement agency as approved for the purpose of obtaining a construction permit for the structure itself.

(8) Any amendment to the State Uniform Code for Public Educational Facilities, and after July 1, 2001 the Florida Building Code, shall become effective 180 days after the amendment is filed with the Secretary of State. Notwithstanding the 180-day delayed effective date, the manufacturer shall submit and obtain a revised approved plan within the 180 days. A revised plan submitted pursuant to this subsection shall be processed as a renewal or revision with appropriate fees. A plan submitted after the period of time provided shall be processed as a new application with appropriate fees.

(9) The school district or community college district for which any factory-built school building is constructed or altered shall provide for periodic inspection of the proposed factory-built school building during each phase of construction or alteration. The inspector shall act under the direction of the governing board for employment purposes.

(10) The department shall, by rule, develop forms and reporting periods for the architect or structural engineer in charge of the supervision of the work of construction in the factory, the inspector on the work, and the manufacturer verifying that based upon personal knowledge, the work during the period covered by the report has been performed, and the materials used and installed, in every particular, in accordance with the approved plans and specifications, setting forth such detailed statements of facts as required by the department.

(11) The department shall develop a unique identification label to be affixed to all newly constructed factory-built school buildings and existing

factory-built school buildings which have been brought into compliance with the standards for existing “satisfactory” buildings pursuant to chapter 5 of the Uniform Code for Public Educational Facilities, and after July 1, 2001 the Florida Building Code. The department may charge a fee for issuing such labels. Such labels, bearing the department’s name and state seal, shall at a minimum, contain:

- (a) The name of the manufacturer.
- (b) The standard plan approval number or alteration number.
- (c) The date of manufacture or alteration.
- (d) The serial or other identification number.
- (e) The following designed-for loads: lbs. per square foot live load; lbs. per square foot floor live load; lbs. per square foot horizontal wind load; and lbs. per square foot wind uplift load.
- (f) The designed-for flood zone usage.
- (g) The designed-for wind zone usage.
- (h) The designed-for enhanced hurricane protection zone usage: yes or no.

(12) Such identification label shall be permanently affixed by the manufacturer in the case of newly constructed factory-built school buildings, or by the department or its designee in the case of an existing factory-built building altered to comply with provisions of s. 235.061.

(13) As of July 1, 2001, all existing and newly constructed factory-built school buildings shall bear a label pursuant to subsection (12). Existing factory-built school buildings not bearing such label shall not be used as classrooms pursuant to s. 235.061.

(14) Nothing in this section shall affect any requirement for compliance with firesafety criteria.

Section 65. Section 553.503, Florida Statutes, is amended to read:

553.503 Adoption of guidelines.—Subject to the exceptions in s. 553.504, the federal Americans with Disabilities Act Accessibility Guidelines, as adopted by reference in 28 C.F.R., part 36, subparts A and D, and Title II of Pub. L. No. 101-336, are hereby adopted and incorporated by reference as the law of this state. The guidelines shall establish the minimum standards for the accessibility of buildings and facilities built or altered within this state. The 1997 Florida Accessibility Code for Building Construction must be adopted by the Florida Building Commission Board of Building Codes and Standards in accordance with chapter 120.

Section 66. Section 553.5041, Florida Statutes, is created to read:

553.5041 Parking spaces for persons who have disabilities.—

(1) This section is not intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act Accessibility Guidelines, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation. Subject to the exceptions described in subsections (2), (4), (5), and (6), when the parking and loading zone requirements of the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG), as adopted by reference in 28 C.F.R. part 36, subparts A and D, and Title II of Pub.L.No. 101-336, provide increased accessibility, those requirements are adopted and incorporated by reference as the law of this state.

(2) State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development.

(3) If parking spaces are provided for self-parking by employees or visitors, or both, accessible spaces shall be provided in each such parking area. Such spaces shall be designed and marked for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.

(4) The number of accessible parking spaces must comply with the parking requirements in ADAAG s. 4.1 and the following:

(a) There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of the building.

(b) There must be one accessible parking space for each 150 metered onstreet parking spaces provided by state agencies and political subdivisions.

(c) The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located in conformance with the guidelines set forth in ADAAG ss. 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking Design."

(a) All spaces must be located on an accessible route no less than 44 inches wide so that users will not be compelled to walk or wheel behind parked vehicles.

(b) Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance. If there are multiple

entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

(c)1. Each parking space must be no less than 12 feet wide. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. In accordance with ADAAG s. 4.6.3, access aisles must be placed adjacent to accessible parking spaces; however, two accessible parking spaces may share a common access aisle. The access aisle must be striped diagonally to designate it as a no-parking zone.

2. The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities. A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled parking permit.

3. Any provision of this subsection to the contrary notwithstanding, a theme park or an entertainment complex as defined in s. 509.013(9) in which are provided continuous attendant services for directing individuals to marked accessible parking spaces or designated lots for parking by persons who have disabilities, may, in lieu of the required parking space design, provide parking spaces that comply with ss. 4.1 and 4.6 of the Americans with Disabilities Act Accessibility Guidelines.

(d) On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed in conformance with the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5, exception: access aisles are not required. Curbs adjacent to such spaces must be of a height that will not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ADAAG ss. 4.1 and 4.6.

(e) Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible.

(f) Curb ramps must be located outside of the disabled parking spaces and access aisles.

(g)1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. 553.508 must comply with this section unless compliance would cause the barrier removal not to be readily

achievable. If compliance would cause the barrier removal not to be readily achievable, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have disabilities to the alternative parking if readily achievable. The facility may not reduce the required number or dimensions of those spaces, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to that of others.

2. A facility that is making alterations under s. 553.507(2)(b) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have a disability to alternative parking. The facility may not reduce the required number or dimensions of those spaces, nor may it unnecessarily increase the length of the accessible route from a parking space to the facility. The alteration must not create a significant risk to the health or safety of a person who has a disability or to that of others.

(6) Each such parking space must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at a distance of 84 inches above the ground to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of ADAAG s. 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must indicate the penalty for illegal use of the space. Any provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. 509.013(9) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection does not relieve the owner of the responsibility of complying with the signage requirements of ADAAG s. 4.30.

Section 67. Section 553.506, Florida Statutes, is amended to read:

553.506 Powers of the commission board.—In addition to any other authority vested in the Florida Building Commission board by law, the commission Board of Building Codes and Standards, in implementing ss. 553.501-553.513, may, by rule, adopt revised and updated versions of the Americans with Disabilities Act Accessibility Guidelines in accordance with chapter 120.

Section 68. Section 553.512, Florida Statutes, is amended to read:

553.512 Modifications and waivers; advisory council.—

(1) The Florida Building Commission Board of Building Codes and Standards shall provide by regulation criteria for granting individual modi-

fications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary, unreasonable, or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by the Handicapped Accessibility Advisory Council. The commission may not consider waiving any of the requirements of s. 553.5041 unless the applicant first demonstrates that she or he has applied for and been denied waiver or variance from all local government zoning, subdivision regulations, or other ordinances that prevent compliance therewith. Further, the commission may not waive the requirement of s. 553.5041(5)(a) and (c)1. governing the minimum width of accessible routes and minimum width of accessible parking spaces.

(2) The Accessibility Advisory Council shall consist consisting of the following seven members, who shall be knowledgeable in the area of handicapped accessibility for persons with disabilities. The Secretary of Community Affairs shall appoint the following: a representative from the Advocacy Center for Persons with Disabilities, Inc.; a representative from the Division of Blind Services; a representative from the Division of Vocational Rehabilitation; a representative from a statewide organization representing the physically handicapped; a representative from the hearing impaired; a representative from the President, Florida Council of Handicapped Organizations; and a representative of the Paralyzed Veterans of America. The terms for the first three council members appointed subsequent to October 1, 1991, shall be for 4 years, the terms for the next two council members appointed shall be for 3 years, and the terms for the next two members shall be for 2 years. Thereafter, all council member appointments shall be for terms of 4 years. No council member shall serve more than two 4-year terms subsequent to October 1, 1991. Any member of the council may be replaced by the secretary upon three unexcused absences. Upon application made in the form provided, an individual waiver or modification may be granted by the commission board so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

(3)(2) Members of the council shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s. 112.061.

(4)(3) Meetings of the advisory council shall be held in conjunction with the regular meetings of the commission.

Section 69. Subsection (7) of section 553.71, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

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

(7) “Threshold building” means any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the State Minimum Building Codes which that exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

(9) “Special inspector” means a licensed architect or registered engineer who is certified under chapter 471 or chapter 481 to conduct inspections of threshold buildings.

Section 70. Effective July 1, 2001, subsections (5) and (7) of section 553.71, Florida Statutes, as amended by this act, are amended, and subsections (10) and (11) are added to said section, to read:

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

(5) “Local enforcement agency” means an agency of local government, a local school board, a community college board, or a university in the State University System with jurisdiction 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.

(7) “Threshold building” means any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code State Minimum Building Codes which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

(10) “Exposure category C” means, except in the high velocity hurricane zone, that area which lies within 1500 feet of the coastal construction control line, or within 1500 feet of the mean high tide line, whichever is less. On barrier islands, exposure category C shall be applicable in the coastal building zone set forth in s. 161.55(5).

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

Section 71. Section 38 of chapter 98-287, Laws of Florida, is amended to read:

Section 38. Effective ~~July~~ 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 72. Effective July 1, 2001, subsection (1) of section 553.72, Florida Statutes, as amended by section 38 of chapter 98-287, Laws of Florida, is amended, and subsection (6) is added to said section, to read:

553.72 Intent.—

(1) The purpose and intent of this act is to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code, 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 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. The Florida Building Code shall establish minimum standards primarily for public health and life-safety, and secondarily for protection of property as appropriate.

(6) It is the intent of the Legislature that the nationally recognized private-sector third-party testing and evaluation system shall provide product

evaluation for the product-approval system and that effective government oversight be established to ensure accountability to the state.

Section 73. Section 40 of chapter 98-287, Laws of Florida, is amended to read:

Section 40. Effective ~~July~~ 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 government 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 74. Section 61 of chapter 98-419, Laws of Florida, is amended to read:

Section 61. Effective ~~July~~ January 1, 2001, paragraph (f) is added to subsection (8) of section 553.73, Florida Statutes, as amended by CS for CS for HB 4181, 1998 Regular Session, to read:

553.73 Florida Building Code.—

(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:

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

Section 75. Effective July 1, 2001, paragraph (c) of subsection (1) and subsections (2), (4), (5), (6), (7), (8), (9), (10), (11), and (12) of section 553.73, Florida Statutes, as amended by section 40 of chapter 98-287, Laws of Florida, as amended by section 61 of chapter 98-419, Laws of Florida, are amended to read:

553.73 Florida Building Code.—

(1)

(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. The Florida Building Commission may not adopt a fire prevention or life safety code and nothing in the Florida Building Code shall affect the statutory powers, duties, and responsibilities of any fire official or the Department of Insurance.

(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, including assisted living facilities, adult day care facilities, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Technical provisions to be contained within the Florida 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. 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 Building Code, and ~~subsections (4), (5), and (6)~~ subsection (4) is not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

(4)(a) All entities authorized to enforce the Florida Building Code pursuant to s. 553.80 ~~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 commission ~~board~~ by rule. Local governments may adopt ~~Any amendments to the administrative provisions of standards established by the Florida Building Code, subject pursuant to the limitations of this paragraph.~~ Local amendments shall be more stringent than the minimum such standards described herein 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 State Fire Marshal ~~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 Code and the Life Safety Code.

(b) Local governments 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 Building Code, not more than once every 6 months, provided:

1. 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 Building Code. 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 Building Code for the protection of life and property.

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

3. Such additional requirements may not introduce a new subject not addressed in the Florida Building Code.

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 adop-

tion by the commission of the new edition of the Florida Building Code every third year. At such time, the commission shall review such amendment for consistency with the criteria in paragraph (6)(a) and 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 or factory-built school 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.

(5) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. The initial adoption of, and any subsequent update or amendment to, the Florida Building Code by the commission is ~~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, and may subsequently adopt the new edition or successor of the model code or any part of such code, which may then be modified for this state as provided in this section, and shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. The edition of the Florida Building Code which is in effect on the date of application of any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.~~

~~(6) 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 Building Code.~~

~~(6)(7)(a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional 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.~~

Furthermore, the Florida Building Commission may approve technical amendments to the code once each year to incorporate into the Florida Building Code its own interpretations of the code which are embodied in its opinions and declaratory statements. 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.

(c) The commission may not approve any proposed amendment that does not accurately and completely address all requirements for amendment which are set forth in this section.

~~(7)(8)~~ The following buildings, structures, and facilities are exempt 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.

(f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings, structures, or facilities which should be exempted from the Florida Building Code, to be provided by law.

~~(8)(9)(a)~~ In the event of a conflict between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as applied to a specific project, the conflict 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 Building Code or the Florida Fire Prevention Code and the Life Safety 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 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) All decisions of the local administrative board, or if none exists, the decisions of the local building official and the local fire official, are subject to review by a joint committee composed of members of the Florida Building Commission and the Fire Code Advisory Council. If the joint committee is unable to resolve conflicts between the codes as applied to a specific project, the matter shall be resolved pursuant to the provisions of paragraph (1)(d).

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

~~(f)~~(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 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.

~~(9)~~(10) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with engineering criteria of the Florida 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 commission for use or unless expressly made subject to said standards and

criteria by local ordinance adopted in accordance with the provisions of subsection (4).

~~(10)~~(14) 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 76. Subsections (3) and (4) of section 553.74, Florida Statutes, are amended to read:

553.74 Florida Building Commission.—

(3) Members of the commission ~~board~~ shall serve without compensation, but shall be entitled to reimbursement for per diem and travel expenses as provided by s. 112.061.

(4) Each appointed member is accountable to the Governor for the proper performance of the duties of the office. The Governor shall cause to be investigated any complaint or unfavorable report received concerning an action of the commission ~~board~~ or any member and shall take appropriate action thereon. The Governor may remove from office any appointed member for malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to, or being found guilty of, a felony.

Section 77. Subsection (2) of section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the commission.—

(2) Upon written application by a private party or a local enforcement agency, the commission 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 identifies the need for additional assistance in making decisions regarding the State Plumbing Code.

(d) Provide technical assistance and issue advisory opinions concerning the technical and administrative provisions of the State Minimum Building Codes.

Section 78. Section 46 of chapter 98-287, Laws of Florida, is amended to read:

Section 46. Effective ~~July~~ 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, administra-

tion, 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 enforce-

ment 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 79. Effective July 1, 2001, subsections (1), (3), and (6) of section 553.77, Florida Statutes, as amended by section 46 of chapter 98-287, Laws of Florida, are amended to read:

553.77 Specific powers of the commission.—

(1) The commission shall:

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

(b) Make a continual study of the operation of the Florida Building Code and other laws relating to the design, construction, erection, alteration, modification, repair, or demolition of public or private 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 and recommendations for improving the effectiveness of the system of building code laws for reporting to the Legislature annually. Failure to comply with this or other requirements of this act must be reported to the Legislature for further action. 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 governing any special district that are not specifically identified in the legislation.

(c) Upon written application by any substantially affected person 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 Building Code. This paragraph does not apply to the types of products, materials, devices, or methods of construction required to be approved under paragraph (i).

(d) Upon written application by any substantially affected person, state agency, or a local enforcement agency, issue declaratory statements pursuant to s. 120.565 relating to the ~~interpretation,~~ enforcement ~~or,~~ administration, ~~or modification~~ by local governments of the Florida Building Code. Paragraph (h) provides the exclusive remedy for addressing local interpretations of the code.

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

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

(g) Participate with the Florida Fire Code Advisory Council created under s. 633.72, to provide 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 govern-

ing 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.

(i) Determine the types of products requiring approval for local or state-wide use and shall provide for the evaluation and approval of such products, materials, devices, and method of construction for statewide use. The commission may prescribe by rule a schedule of reasonable fees to provide for evaluation and approval of products, materials, devices, and methods of construction. Evaluation and approval shall be by action of the commission or delegated pursuant to ~~s. 553.842~~ s. 553.84. This paragraph does not apply to products approved by the State Fire Marshal.

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

(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 postdisaster 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 equiv-

agency of service, conflict of interest, requirements for competency, liability, insurance, and long-term accountability.

(3) Upon written application by any substantially affected person, 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 Code ~~the agency is authorized to enforce required under this section or relating to the conformity of new technologies, techniques, and materials to the objectives of the Florida Building Code.~~ The provisions of this subsection shall not be construed to provide any powers, other than advisory, to the commission with respect to any decision of the State Fire Marshal made pursuant to the provisions of chapter 633.

(6) The commission may provide by rule for plans review and approval of prototype buildings owned by public and private 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 is subject to local permitting and inspections pursuant to this part.

Section 80. Section 47 of chapter 98-287, Laws of Florida, is amended to read:

Section 47. Effective July ~~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 81. Effective July 1, 2001, paragraph (b) of subsection (2) of section 553.781, Florida Statutes, is amended to read:

553.781 Licensee accountability.—

(2)

(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 Department of Business and Professional Regulation or the appropriate professional licensing board for disciplinary investigation and final disposition. If an administrative complaint is filed by the department or the professional licensing board against the certificateholder or registrant, the commission may intervene in such proceeding. Any fine imposed by the department or the professional licensing board, pursuant to matters reported by the local jurisdiction to the department or the professional licensing board, shall be divided equally between the board and the local jurisdiction which reported the violation.

Section 82. Subsections (3) and (5), paragraph (a) of subsection (7), and subsections (10), (12), (14) and (16) of section 553.79, Florida Statutes, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(3) The State Minimum Building 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 manufactured mobile homes as defined by 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.

(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 and approved by 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 may not serve as a surrogate in carrying out the responsibilities of the building official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector. The special inspector shall determine that a professional engineer who specializes in shoring design has inspected 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.

(b) The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed, or registered under chapter 471 as an engineer or under chapter 481 as an architect.

(c) ~~The commission 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, nor shall the fee owner of a threshold building be prohibited from selecting any person qualified by the commission to be a special inspector. The architect or engineer of record may act as the special inspector provided she or he is on the Board of Professional Engineers' or the Board of Architecture and Interior Design's list of persons qualified to be special inspectors. School boards may utilize employees as special inspectors provided such employees are on one of the professional licensing board's list of persons qualified to be special inspectors.~~

(d) The licensed architect or registered engineer serving as the special inspector shall be permitted to send her or his duly authorized representative to the job site to perform the necessary inspections provided all required written reports are prepared by and bear the seal of the special inspector and are submitted to the enforcement agency.

(7) Each enforcement agency shall require that, on every threshold building:

(a) The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: To the best of my knowledge and belief, the ~~above-described~~ construction of all structural load-bearing components described in the threshold inspection plan complies with the permitted documents, and the specialty shoring design professional engineer has ascertained that the shoring and reshoring conforms with the shoring and reshoring plans submitted to the enforcement agency.

(10) An enforcing authority may not issue a building permit for any building construction, erection, alteration, 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."

(12) Nothing in this section shall be construed to alter or supplement the provisions of part IV of this chapter relating to manufactured buildings ~~factory-built housing~~.

(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 enforcing agency's laws, ordinances, or codes.

(16)(a) The Florida Building Commission shall establish, within the Florida Building Code adopted by rule, standards for permitting residential buildings or structures moved into or within a county or municipality when such structures do not or cannot comply with the code. However, such buildings or structures shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

1. The building or structure is structurally sound and in occupiable condition for its intended use;

2. The occupancy use classification for the building or structure is not changed as a result of the move;

3. The building is not substantially remodeled;

4. Current fire code requirements for ingress and egress are met;
5. Electrical, gas, and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the building code for all residential buildings or structures of the same occupancy class;

(b) The building official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of moving the building and the cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

Section 83. Section 49 of chapter 98-287, Laws of Florida, is amended to read:

Section 49. Effective ~~July~~ 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 firesafety 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 84. Effective July 1, 2001, subsections (2), (3), (6), and (9) of section 553.79, Florida Statutes, as amended by section 49 of chapter 98-287, Laws of Florida, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(2) ~~No enforcing agency may issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure 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 Building Code. In addition, an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. 633.081 has reviewed the plans and specifications for such proposal and found that the plans comply with and the Florida Fire Prevention Code and the Life Safety Code 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 firesafety inspector local officials. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. 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 or structure when the plans and specifications for such proposal comply with the provisions of the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.~~

(3) Except as provided in this chapter, the Florida Building Code, after the effective date of 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. However, this subsection does not apply to the construction of manufactured manufacture of mobile homes as defined by federal law. 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.

(6) A No permit may not be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit complies with the requirements for plan review established by the Florida Building Commission within the Florida Building Code. 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 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 whose enabling legislation authorizes it to enforce provisions of the Florida Building Code may enter into an agreement with

any other unit of government to delegate its responsibility to enforce those provisions and may with building construction responsibility is authorized to expend public funds for permit and inspection fees, which fees may be no greater than the fees charged others.

Section 85. Section 51 of chapter 98-287, Laws of Florida, is amended to read:

Section 51. Effective July ~~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 86. Effective July 1, 2001, subsection (1) and paragraph (a) of subsection (6) of section 553.80, Florida Statutes, as amended by section 51 of chapter 98-287, Laws of Florida, are amended, and paragraph (d) is added to subsection (6) of said section, to read:

553.80 Enforcement.—

(1) Except as provided in paragraphs (a)-(e), It shall be the responsibility of each local government and each legally constituted enforcement district with statutory authority shall to regulate building construction and, where authorized in the state agency's enabling legislation, each state agency shall to enforce the Florida Building Code required by this part on all public or

private buildings, structures, and facilities, unless such responsibility has been delegated to another unit of government pursuant to s. 553.79(9).

(a) Construction regulations relating to correctional facilities under the jurisdiction of the Department of Corrections and the Department of Juvenile Justice are to be enforced exclusively by those departments.

(b) Construction regulations relating to elevator equipment under the jurisdiction of the Bureau of Elevators of the Department of Business and Professional Regulation shall be enforced exclusively by that department.

(c) In addition to the requirements of s. 553.79 and this section, 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.

(d) Building plans approved pursuant to s. 553.77(6) and state-approved manufactured buildings, including buildings manufactured and assembled offsite and not intended for habitation, such as lawn storage buildings and storage sheds, are exempt from local code 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.

(e) Construction regulations governing public schools, state universities, and community colleges shall be enforced as provided in subsection (6).

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 local government's responsibilities in enforcing the Florida Building Code. The authority of state enforcing agencies to set fees for enforcement shall be derived from authority existing on July 1, 1998 ~~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.

(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 use ~~have~~ personnel or contract providers appropriately certified under part XII of chapter 468 to 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.

(d) School boards, community college boards, and state universities may use annual facility maintenance permits to facilitate routine maintenance, emergency repairs, building refurbishment, and minor renovations of systems or equipment. The amount expended for maintenance projects may not exceed \$200,000 per project. A facility maintenance permit is valid for 1 year. A detailed log of alterations and inspections must be maintained and annually submitted to the building official. The building official retains the right to make inspections at the facility site as he or she considers necessary. Code compliance must be provided upon notification by the building official. If a pattern of code violations is found, the building official may withhold the issuance of future annual facility maintenance permits.

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 87. Effective July 1, 2001, section 553.83, Florida Statutes, is amended to read:

553.83 Injunctive relief.—Any local government, legally constituted enforcement district, or state agency authorized to enforce sections of the Florida Building Code under s. 553.80 ~~code enforcing agency~~ may seek injunctive relief from any court of competent jurisdiction to enjoin the offering for sale, delivery, use, occupancy, erection, alteration, or installation of any building covered by this part, upon an affidavit of the local government, code enforcement district, or state ~~code enforcing~~ agency specifying the manner in which the building does not conform to the requirements of the Florida portion of the State Minimum Building Code, or local amendments to the Florida Building Code Codes adopted in that jurisdiction. Noncompliance with ~~the a building code promulgated under this part~~ shall be considered prima facie evidence of irreparable damage in any cause of action brought under authority of this part.

Section 88. Effective July 1, 2001, section 553.84, Florida Statutes, is amended to read:

553.84 Statutory civil action.—Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a

class of persons or parties, damaged as a result of a violation of this part or the ~~Florida State Minimum Building Code Codes~~, has a cause of action in any court of competent jurisdiction against the person or party who committed the violation.

Section 89. Subsections (2), (3), and (9) of section 553.841, Florida Statutes, are amended, and subsection (11) is added to said section, to read:

553.841 Building code training program; participant competency requirements.—

(2) The commission shall establish by rule 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 Fire Marshal, the State University System, and the Division of Community Colleges.

(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 coursework for the construction workforce, including, but not limited to, superintendents and, journeymen, ~~and residential designers~~.

(11) The Legislature hereby establishes the Office of Building Code Training Program Administration within the Institute of Applied Technology in Construction Excellence at the Florida Community College at Jacksonville. The office is charged with the following responsibilities as recommended by the Florida Building Commission and as resources are provided by the Legislature:

(a) Provide research-to-practice capability for entry-level construction training development, delivery and quality assurance, as well as training and competency registry systems and recruitment initiatives.

(b) Coordinate with the Department of Community Affairs and the Florida Building Commission to serve as school liaison to disseminate construction awareness and promotion programs and materials to schools.

(c) Develop model programs and approaches to construction career exploration to promote construction careers.

Section 90. Subsection (1) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(1) The commission shall make recommendations to the President of the Senate and the Speaker of the House of Representatives prior to the 2001 Regular Session 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.

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 91. Effective July 1, 2001, section 553.85, Florida Statutes, is amended to read:

~~553.85~~ 553.85 Liquefied petroleum gases.—The provisions of the Florida State Minimum Building Code Codes and the rules and regulations adopted thereunder for the design, construction, location, installation, services, and operation of equipment for storing, handling, transporting, and utilization of liquefied petroleum gases shall not be in conflict with chapter 527.

Section 92. Effective July 1, 2001, section 553.19, Florida Statutes, is transferred and renumbered as section 553.88, Florida Statutes, and is amended to read:

~~553.88~~ 553.19 Adoption of electrical and alarm standards.—For the purpose of establishing minimum electrical and alarm standards in this state, the current edition of the following standards are adopted:

- (1) “National Electrical Code,” NFPA No. 70.
- (2) Underwriters’ Laboratories, Inc., “Standards for Safety, Electrical Lighting Fixtures, and Portable Lamps,” UL 57 and UL 153.
- (3) Underwriters’ Laboratories, Inc., “Standard for Electric Signs,” UL 48.
- (4) The provisions of the following which prescribe minimum electrical and alarm standards:

- (a) NFPA No. 56A, "Inhalation Anesthetics."
 - (b) NFPA No. 56B, "Respiratory Therapy."
 - (c) NFPA No. 56C, "Laboratories in Health-related Institutions."
 - (d) NFPA No. 56D, "Hyperbaric Facilities."
 - (e) NFPA No. 56F, "Nonflammable Medical Gas Systems."
 - (f) NFPA No. 72, "National Fire Alarm Code."
 - (g) NFPA No. 76A, "Essential Electrical Systems for Health Care Facilities."
- (5) The rules and regulations of the Department of Health, 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 and may recommend the National Electrical Installation Standards.

Section 93. Effective July 1, 2001, section 553.901, Florida Statutes, is amended to read:

553.901 Purpose of thermal efficiency code.—The Department of Community Affairs shall prepare a ~~The purpose of this~~ thermal efficiency code is to provide for a statewide uniform standard for energy efficiency in the thermal design and operation of all buildings statewide, consistent with energy conservation goals, and to best provide for public safety, health, and general welfare. The Florida Building Commission shall adopt the Florida Energy Efficiency Code for Building Construction within the Florida Building Code, and Department of Community Affairs shall adopt, modify, revise, update, and maintain the ~~Florida Energy Efficiency code for Building Construction~~ to implement the provisions of this thermal efficiency code and amendments thereto, in accordance with the procedures of chapter 120. The department shall, at least triennially, determine the most cost-effective energy-saving equipment and techniques available and report its determinations to the commission, which shall update the code to incorporate such equipment and techniques. The proposed changes shall be made available for public review and comment no later than 6 months prior to code implementation. The term "cost-effective," for the purposes of this part, shall be construed to mean cost-effective to the consumer.

Section 94. Effective July 1, 2001, subsections (1), (4), (6), and (7) of section 553.902, Florida Statutes, are amended to read:

553.902 Definitions.—For the purposes of this part:

(1) “Exempted building” means:

(a) Any building or portion thereof whose peak design rate of energy usage for all purposes is less than 1 watt (3.4 Btu per hour) per square foot of floor area for all purposes.

(b) Any building which is neither heated nor cooled by a mechanical system designed to control or modify the indoor temperature and powered by electricity or fossil fuels.

(c) Any building for which federal mandatory standards preempt state energy codes.

(d) Any historical building as described in s. 267.021(6).

~~(e) Any state building that must conform to the more stringent “Florida Energy Conservation Act of 1974” and amendments thereto.~~

The Florida Building Commission may recommend to the Legislature additional types of buildings which should be exempted from compliance with the Florida Energy Efficiency Code for Building Construction.

(4) “Local enforcement agency” means the agency of local government which has the authority to make inspections of buildings and to enforce the Florida Building Code a code or codes which establish standards for construction, renovation, or occupancy of buildings. It includes any agency within the definition of s. 553.71(5).

~~(6) “Energy performance index” or “EPI” means a number describing the relative energy performance of a residential building as compared to a residential building designed to baseline energy performance levels for the envelope, HVAC, and water heating components. The number shall be calculated according to rules and procedures promulgated by the Department of Community Affairs.~~

~~(6)(7)~~ “Energy performance level” means the indicator of the energy-related performance of a building, including, but not limited to, the levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiencies.

Section 95. Section 553.903, Florida Statutes, is amended to read:

553.903 Applicability.—This part shall apply to all new and renovated buildings in the state, except exempted buildings, for which building permits are obtained after March 15, 1979, and to the installation or replacement of building systems and components with new products for which thermal efficiency standards are set by the Florida Energy Efficiency Code for Building Construction. The provisions of this part shall constitute a statewide uniform code. ~~The criteria for compliance shall include the provision that the performance level of a building built to such thermal performance standards shall not vary more than 5 percent as a result of choice of energy source.~~

Section 96. Effective July 1, 2001, section 553.907, Florida Statutes, is amended to read:

~~553.907 Compliance.—Owners of all buildings required to comply with this part, or their agents, must certify compliance to the designated local enforcement agency prior to receiving the permit to begin construction or renovation. If, during the building construction or renovation, alterations are made in the design, materials, or equipment which would diminish the energy performance of the building, an amended copy of the compliance certification must be submitted to the local enforcement agency on or before the date of final inspection by the building owner or his or her agent and must be placed on the building permit. Each local enforcement agency shall report to the department any information concerning compliance certifications and amendments at such intervals as the department designates by rule adopted in accordance with chapter 120.~~

Section 97. Section 553.9085, Florida Statutes, is amended to read:

~~553.9085 Energy performance disclosure for residential buildings.—The energy performance level resulting from compliance with the provisions of this part, for each new residential building, shall be disclosed at the request of the prospective purchaser. In conjunction with the normal responsibilities and duties of this part, the local building official shall require that a complete and accurate energy performance level display card be completed and certified by the builder as accurate and correct before final approval of the building for occupancy. The energy performance level display card shall be included as an addendum to each sales contract executed after January 1, 1994. The display card shall be uniform statewide and developed by the Department of Community Affairs. At a minimum, the display card shall list information indicating the energy performance level of the dwelling unit, including an EPI when appropriate, resulting from compliance with the code, shall be signed by the builder, and shall list general information about the energy performance level and the code.~~

Section 98. Subsection (1) of section 553.909, Florida Statutes, is amended to read:

553.909 Setting requirements for appliances; exceptions.—

~~(1) The Florida Energy Efficiency Code for Building Construction shall set the minimum requirements for heat traps and thermostat settings for water heaters sold after October 1, 1980, for residential use shall be installed with a heat trap and shall have the thermostat set at 110 °F or whatever minimum the unit is capable of if it exceeds 110 °F. The code shall further establish the minimum acceptable standby loss for electric water heaters and the minimum recovery efficiency and standby loss for may not have a standby loss which exceeds 4 watts per square foot of tank surface per hour. water heaters fueled by natural gas or liquefied petroleum gas in any form which are sold or installed after March 1, 1981, shall have a recovery efficiency of 75 percent or more and shall have a standby loss in percent per hour not exceeding the number determined by dividing 67 by the volume of the tank in gallons and adding the result to 2.8.~~

Section 99. Effective July 1, 2001, subsection (1) of section 627.0629, Florida Statutes, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1) ~~Effective July 1, 1994,~~ A rate filing for residential property insurance must include ~~actuarially reasonable appropriate~~ discounts, credits, or other rate differentials, or appropriate reductions in deductibles, for properties on which fixtures or construction techniques ~~actuarially demonstrated to reduce the amount of loss in a windstorm have been installed or implemented.~~ The fixtures or construction techniques shall include, but not be limited to, fixtures or construction techniques which enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength. Credits, discounts, or other rate differentials for fixtures and construction techniques which meet the minimum requirements of the Florida Building Code must be included in the rate filing. All insurance companies must make a rate filing which includes the credits, discounts, or other rate differentials by June 1, 2002.

Section 100. Section 57 of chapter 98-287, Laws of Florida, is amended to read:

Section 57. Effective ~~July~~ 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 101. Effective July 1, 2001, subsection (6) of section 633.01, Florida Statutes, as amended by section 57 of chapter 98-287, Laws of Florida, is amended to read:

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

(6) Only the State Fire Marshal may issue, and, when requested in writing by any substantially affected person or a local enforcing agency, the State Fire Marshal shall issue ~~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 102. Section 58 of chapter 98-287, Laws of Florida, is amended to read:

Section 58. Effective July ~~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 103. Effective July 1, 2001, subsections (1), (2), (3), (4), and (5) of section 633.0215, Florida Statutes, as created by section 58 of chapter 98-287, Laws of Florida, are amended, and subsections (7), (8), and (9) are added to said section, to read:

633.0215 Florida Fire Prevention Code.—

(1) The State Fire Marshal 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. The State Fire Marshal shall adopt a new edition of the Florida Fire Prevention Code every third year.

(2) The State Fire Marshal department shall adopt the National Fire Protection Association's Standard 1, Fire Prevention Code but shall not adopt a building, mechanical, or plumbing code. The State Fire Marshal

~~department~~ shall adopt the Life Safety Code, Pamphlet 101, current editions, by reference. The State Fire Marshal 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 State Fire Marshal department shall incorporate within sections of the Florida Fire Prevention Code provisions that address uniform firesafety standards as established in s. 633.022. The State Fire Marshal department shall incorporate within sections of the Florida Fire Prevention Code provisions addressing regional and local concerns and variations.

(3) No later than 180 days before the triennial adoption of the Florida Fire Prevention Code, the State Fire Marshal shall notify each municipal, county, and special district fire department of the triennial code adoption and steps necessary for local amendments to be included within the code. No later than 120 days before the triennial adoption of the Florida Fire Prevention Code, each local jurisdiction shall provide the State Fire Marshal with copies of its local fire code amendments. The State Fire Marshal has the option to process local fire code amendments that are received less than 120 days before the adoption date of the Florida Fire Prevention Code.

(a) The State Fire Marshal shall review or cause the review of local amendments to determine:

1. If the local amendment should be adopted as a statewide provision;
2. That the local amendment does not provide a lesser degree of life safety than the code otherwise provides; and
3. That the local amendment does not reference a different edition of the national fire codes or other national standard than the edition provided or referenced in the uniform or minimum firesafety codes adopted by the State Fire Marshal or prescribed by statute.

(b) 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 State Fire Marshal department shall adopt such amendment as part of the Florida Fire Prevention Code or rescind the amendment. The State Fire Marshal department shall immediately notify the respective local government of the rescission of the amendment and the reason for the rescission. 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.

(c) 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 State Fire Marshal department takes action to adopt as a statewide firesafety code requirement or rescind such requirements as provided herein, and such action shall take place no later than July January 1, 2001.

(4) The State Fire Marshal 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 State Fire Marshal department shall consider changes made by the national model fire codes incorporated into the Florida Fire Prevention Code, the State Fire Marshal's department's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments.

(5) The State Fire Marshal 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.

(7) Any local amendment adopted by a local government must strengthen the requirements of the minimum firesafety code.

(8) Within 30 days after a local government adopts a local amendment, the local government must transmit the amendment to the Florida Building Commission and the State Fire Marshal.

(9) The State Fire Marshal shall make rules that implement this section and ss. 633.01 and 633.025 for the purpose of accomplishing the objectives set forth in those sections.

(10) Notwithstanding other provisions of this chapter, if a county or a municipality within that county adopts an ordinance providing for a local amendment to the Florida Fire Prevention Code and that amendment provides a higher level of protection to the public than the level specified in the Florida Fire Prevention Code, the local amendment becomes effective without approval of the State Fire Marshal and is not rescinded pursuant to the provisions of this section, provided that the ordinance meets one or more of the following criteria:

(a) The local authority has adopted, by ordinance, a fire service facilities and operation plan that outlines goals and objectives for related equipment, personnel, and capital improvement needs of the local authority related to the specific amendment for the next 5 years;

(b) The local authority has adopted, by ordinance, a provision requiring proportionate reduction in, or rebate or waivers of, impact or other fees or assessments levied on buildings that are built or modified in compliance with the more stringent firesafety standards required by the local amendment; or

(c) The local authority has adopted, by ordinance, a growth management plan that requires buildings and structures to be equipped with more stringent firesafety requirements required by the local amendment when these firesafety requirements are used as the basis for planning infrastructure development, uses, or housing densities.

Except as provided in s. 633.022, the local appeals process shall be the venue if there is a dispute between parties affected by the provisions of the more stringent local firesafety amendment adopted as part of the Florida Fire Prevention Code pursuant to the authority in this subsection. Local amendments adopted pursuant to this subsection shall be deemed local or regional variations and published as such in the Florida Fire Prevention Code. The act of publishing locally adopted firesafety amendments to the Florida Fire Prevention Code shall not be construed to mean that the State Fire Marshal approves or denies the authenticity or appropriateness of the locally adopted firesafety provision, and the burden of protecting the local fire safety amendment remains solely with the adopting local governmental authority.

Section 104. Section 59 of chapter 98-287, Laws of Florida, is amended to read:

Section 59. Effective July ~~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 fire-safety 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 fire-safety 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 105. Effective July 1, 2001, subsections (1), (3), (4), (8), and (9) of section 633.025, Florida Statutes, as amended by section 59 of chapter 98-287, Laws of Florida, are amended to read:

633.025 Minimum firesafety standards.—

(1) The Florida Fire Prevention Code and the Life Safety Code adopted by the ~~State Fire Marshal Department of Insurance~~, which shall operate in conjunction with the Florida Building Code, shall be deemed adopted by each municipality, county, and special district with firesafety responsibilities. The minimum firesafety codes 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.

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

(4) 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 govern-

ing 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 fire-safety 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.

This subsection gives local government the authority to establish firesafety codes that exceed the minimum firesafety codes and standards adopted by the State Fire Marshal. The Legislature intends that local government give proper public notice and hold public hearings before adopting more stringent firesafety codes and standards. 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.

(8) Electrically Battery operated single station smoke detectors required shall be considered as an approved detection device for residential buildings are not required to be interconnected within individual living units in all buildings having direct access to the outside from each living unit and having three stories or less. This subsection does not apply to any residential building required to have a manual or an automatic fire alarm system.

(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 for ~~in~~ such structures.

Section 106. 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 ~~11 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 to in and interpretation of the uniform firesafety standards adopted under s. 633.022, the Florida Fire Prevention Code, and those portions of the Florida Fire Prevention Code codes that have the effect of conflicting with building construction standards that are adopted pursuant to ~~ss. s.~~ 633.0215 and 633.022. 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 ~~an a-structure~~ engineer with fire protection design experience 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 a Florida certified firefighter selected from a list submitted by the Florida Professional Firefighters' Association;

(h) One member shall be a Florida certified municipal fire inspector selected from a list submitted by the Florida Fire Marshal's Association;

(i) One member shall be selected from a list submitted by the Department of Education;

(j) One member shall be selected from a list submitted by the Chancellor of the State University System; and

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

~~(2)(h)~~ The administrative staff of the State Fire Marshal and shall attend meetings of the Florida Building Commission shall and coordinate efforts to provide consistency between the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code.

(3) The council and Florida Building Commission shall cooperate through joint representation and staff coordination of codes and standards to resolve conflicts in their development, updating, and interpretation.

~~(4)(2)~~ Each appointee shall serve a 4-year term. No member shall serve more than one term. No member of the council shall be paid a salary as such member, but each shall receive travel and expense reimbursement as provided in s. 112.061.

Section 107. Section 62 of chapter 98-287, Laws of Florida, is amended to read:

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) Effective July 1, 2001 Upon approval of the Florida Building Code by the Legislature~~, all existing local technical amendments to any building code adopted by any local government, except for local ordinances setting forth administrative requirements which are not in conflict with the Florida Building Code, 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 108. Section 68 of chapter 98-287, Laws of Florida, is amended to read:

Section 68. ~~Effective July 1, 2001 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 109. The Legislature has reviewed the Florida Building Code that was adopted by action of the Florida Building Commission on February 15, 2000, and that was noticed for rule adoption by reference in Rule 9B-3.047, F.A.C., on February 18, 2000, in the Florida Administrative Weekly on page 731. The Florida Building Commission is directed to continue the process to adopt the code, pursuant to section 120.54(3), Florida Statutes, and to incorporate the following provisions or standards for the State of Florida:

(1) The commission shall apply the criteria set forth at section 553.73(7)(a) and (b), Florida Statutes, as amended by section 40 of chapter 98-287, Laws of Florida, and section 553.73(6)(c), Florida Statutes, as created by this act, for the adoption of any amendments to the base codes after the effective date of this act. The commission shall review modifications to

the base codes adopted by the commission on or before February 15, 2000, which are identified verbally or in writing during the public hearings on proposed rule 9B-3.047 held pursuant to chapter 120, Florida Statutes, except those integrating state agency construction regulations, high velocity hurricane zone provisions, and those necessary to harmonize the Florida Building Code with the Florida Fire Prevention Code, and shall confirm that such amendments meet the requirements of s. 553.73(7), Florida Statutes, as amended by s. 40, chapter 98-287, Laws of Florida. In addition, the commission shall apply the above referenced criteria to s. 610.1.ABC.3.5.2. of chapter 13 of the Florida Building Code. Any modification which, after such criteria are applied is not approved for inclusion by an affirmative vote of three-fourths of the commission members present and voting, must be removed from the code pursuant to chapter 120, Florida Statutes.

(2) All amendments to the Florida Building Code shall be published in legislative format, with underlining indicating where new language is added to the existing provisions and strikeout indicating where existing language is deleted.

(3) For areas of the state not within the high velocity hurricane zone, the commission shall adopt, pursuant to s. 553.73, Florida Statutes, the wind protection requirements of the American Society of Civil Engineers, Standard 7, 1998 edition as implemented by the International Building Code, 2000 edition, and as modified by the commission in its February 15, 2000, adoption of the Florida Building Code for rule adoption by reference in Rule 9B-3.047, Florida Administrative Code. However, from the eastern border of Franklin County to the Florida-Alabama line, only land within 1 mile of the coast shall be subject to the windborne-debris requirements adopted by the commission. The exact location of wind speed lines shall be established by local ordinance, using recognized physical landmarks such as major roads, canals, rivers, and lake shores, wherever possible. Buildings constructed in the windborne debris region must be either designed for internal pressures that may result inside a building when a window or door is broken or a hole is created in its walls or roof by large debris, or be designed with protected openings. Except in the high velocity hurricane zone, local governments may not prohibit the option of designing buildings to resist internal pressures.

(4) The Florida Building Commission is directed to amend section 611 of the Plumbing Section of the Florida Building Code to incorporate the following:

(a) When reduction of aesthetic contaminants, such as chlorine, taste, odor, or sediment are claimed, the drinking water treatment units must meet the requirements of NSF Standard 42 Drinking Water Treatment Units-Aesthetic Effects, or Water Quality Association Standard S-200 for Household and Commercial Water Filters. When reduction of regulated health contaminants is claimed, such as inorganic or organic chemicals, or radiological substances, the drinking water treatment unit must meet the requirements of NSF Standard 53 Drinking Water Treatment Units-Health Effects.

(b) Reverse osmosis drinking water treatment systems shall meet the requirements of NSF Standard 58 Reverse Osmosis Drinking Water Treatment Units or Water Quality Association Standard S-300 Point-of-Use Low Pressure Reverse Osmosis Drinking Water Systems for the Reduction of Total Dissolved Solids Only.

(c) When reduction of regulated health contaminants is claimed, such as inorganic or organic chemicals, or radiological substances, the reverse osmosis drinking water treatment unit must meet the requirements of NSF Standard 58 Reverse Osmosis Drinking Water Treatment Systems.

(d) Waste or discharge from reverse osmosis or other types of water treatment units must enter the drainage system through an air gap or be equipped with an equivalent backflow-prevention device.

(5) The Florida Building Commission is directed to reinsert into the Florida Building Code Sections 104.3.2 and 104.6.2 of the Florida Building Code, Third Draft, related to a building official's authority to elect to issue a permit based upon plan review by a registered architect or engineer. The building official is responsible for ensuring that any person conducting a plan review is qualified as a plans examiner under part XII of chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under part XII of chapter 468, Florida Statutes.

(6) The Florida Building Commission is directed to amend paragraph F of Section 105.13 of the Florida Building Code to make clear that the building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by the Florida Building Code and section 553.73, Florida Statutes, without duplicative inspection by the building department. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under part XII of chapter 468, Florida Statutes, or certified as a special inspector under chapter 471, Florida Statutes, or chapter 481, Florida Statutes.

(7) The Florida Building Commission is directed to amend Section 127.5.9.8.5 of the Florida Building Code to make clear that the building official may allow a special inspector to conduct all mandatory inspections in accordance with section 127.3 of the Code, without duplicative inspection by the building official. The building official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under part XII of chapter 468, Florida Statutes, or certified as a special inspector under chapter 471, Florida Statutes, or chapter 481, Florida Statutes.

The Legislature declares that changes made to the proposed Rule 9B-3.047, Florida Administrative Code, to implement the requirements of this act prior to October 1, 2000, are not subject to rule challenges under section 120.56, Florida Statutes. However, the entire rule, adopted pursuant to s. 120.54(3), Florida Statutes, as amended after October 1, 2000, is subject to rule challenges under s. 120.56, Florida Statutes.

Section 110. (1)(a) The Department of Community Affairs shall undertake a demonstration and education project to demonstrate the true cost

associated with the implementation of the Florida Building Code. The project shall consist of the construction of 12 residential single-family homes in various regions of the state to the standards of the Florida Building Code. These project homes shall be used to determine the material and labor cost differential between the Florida Building Code and the current state minimum building code. The cost differential data shall be determined by two categories: those costs associated with compliance with ASCE-7-98 and those costs associated with other incremental costs associated with other compliance provisions of the Florida Building Code. The department shall provide the resources to offset any increased cost of building to the Florida Building Code, and shall provide an analysis and accounting of such additional costs prepared by an appropriate engineering firm and accounting firm. These homes shall be used for educational purposes in the local community, and shall be utilized as a demonstration project available for inspection and education training as determined by the Residential Mitigation Construction Advisory Council.

(b) The results of the accounting and analysis shall be forwarded by the department to the Florida Building Commission for use in reviewing the Florida Building Code and to the Department of Insurance.

(c) The department shall implement this project following the effective date of this act.

(d) The Residential Mitigation Construction Advisory Council, with the department, shall serve as the advisory group for this project. Decisions regarding the conduct of the project and contracting with the appropriate engineering group and accounting group shall be made by consensus of the advisory group.

(2) The department shall issue a report of its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives upon completion of the construction and data collection.

Section 111. (1) The select committee to investigate the feasibility of establishing performance-based criteria for the cost-effective application of fire codes and fire code alternatives for existing educational facilities established by chapter 98-287, Laws of Florida, is authorized to continue its investigation. Committee appointment authority established by chapter 98-287, Laws of Florida, shall continue should any position on the select committee become vacant. Members of the committee shall serve at their own expense except that state employees shall be reimbursed for travel costs incurred from existing budgets in accordance with s. 112.061, Florida Statutes.

(2) Funds in the amount of \$35,000 are appropriated to the State Fire Marshal from the Insurance Commissioner's Regulatory Trust Fund for the purposes of providing training and education to those impacted by its use on the application of the alternative fire safety standards for educational facilities. The Division of State Fire Marshal shall review the alternative code for existing educational facilities and may adopt such alternative code by rule as part of the Florida Fire Prevention Code as an acceptable alternative for code compliance.

Section 112. The Florida Building Commission shall examine the applicability of the full proposed Florida Building Code to buildings manufactured and assembled offsite but not intended for human habitation, including, but not limited to, storage sheds and lawn storage buildings. The commission shall consider whether such buildings should be subject to the same standards applicable to buildings intended for human habitation; the additional financial costs associated with compliance with such standards; the risk reduction effects associated with such compliance; and the long term economic and practical consequences attendant to such compliance. The commission shall report its findings and recommendations for statutory changes, if any, to the President of the Senate and the Speaker of the House of Representatives prior to the beginning of the 2001 Regular Session of the Legislature.

Section 113. Section 1 of chapter 98-287, Laws of Florida, is amended to read:

Section 1. Effective ~~July~~ 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 114. Section 2 of chapter 98-287, Laws of Florida, is amended to read:

Section 2. Effective ~~July~~ 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 115. Section 4 of chapter 98-287, Laws of Florida, is amended to read:

Section 4. Effective ~~July~~ 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 116. Section 5 of chapter 98-287, Laws of Florida, is amended to read:

Section 5. Effective July ~~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 117. Section 7 of chapter 98-287, Laws of Florida, is amended to read:

Section 7. Effective July ~~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 118. Section 9 of chapter 98-287, Laws of Florida, is amended to read:

Section 9. Effective July ~~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 119. Section 13 of chapter 98-287, Laws of Florida, is amended to read:

Section 13. Effective ~~July~~ 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 120. Section 14 of chapter 98-287, Laws of Florida, is amended to read:

Section 14. Effective ~~July~~ 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 121. Section 15 of chapter 98-287, Laws of Florida, is amended to read:

Section 15. Effective ~~July~~ 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 122. Section 16 of chapter 98-287, Laws of Florida, is amended to read:

Section 16. Effective ~~July~~ 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 123. Section 17 of chapter 98-287, Laws of Florida, is amended to read:

Section 17. Effective ~~July~~ 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 124. Section 18 of chapter 98-287, Laws of Florida, is amended to read:

Section 18. Effective ~~July~~ 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 125. Section 24 of chapter 98-287, Laws of Florida, is amended to read:

Section 24. Effective ~~July~~ 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 126. Section 29 of chapter 98-287, Laws of Florida, is amended to read:

Section 29. Effective ~~July~~ 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 127. Section 31 of chapter 98-287, Laws of Florida, is amended to read:

Section 31. Effective July ~~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 128. Section 32 of chapter 98-287, Laws of Florida, is amended to read:

Section 32. Effective July ~~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 129. Section 34 of chapter 98-287, Laws of Florida, is amended to read:

Section 34. Effective ~~July~~ 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 130. Section 36 of chapter 98-287, Laws of Florida, is amended to read:

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

Section 131. Section 44 of chapter 98-287, Laws of Florida, is amended to read:

Section 44. Effective ~~July~~ 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 132. Section 56 of chapter 98-287, Laws of Florida, is amended to read:

Section 56. Effective ~~July~~ 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 133. Notwithstanding the effective date of any section of this act or chapter 98-287, Laws of Florida, any authority to adopt rules provided by this act or chapter 98-287, Laws of Florida, shall take effect upon this act becoming a law.

Section 134. Section 125.0106, Florida Statutes, is repealed.

Section 135. Effective July 1, 2001, subsection (2) of section 255.21, Florida Statutes, paragraphs (d) and (e) of subsection (1) of section 395.1055, Florida Statutes, and subsection (11) of section 553.79, Florida Statutes, are repealed.

Section 136. This act does not imply any repeal or sunset of existing general or special laws governing any special district that are not specifically identified by this act. However, this act is intended as a comprehensive revision of the regulation by counties and municipalities of the design, construction, erection, alteration, modification, repair and demolition of public and private buildings. Therefore, any sections or provisions of any

special act governing those activities by any general purpose local government is hereby repealed.

Section 137. Except as otherwise specifically provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor May 24, 2000.

Filed in Office Secretary of State May 24, 2000.