

# CHAPTER 2000-141

## 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.