

Florida Building Commission

Attachment to the February 14 - 15, 2000 Minutes

**Facilitators' Report of the February 14 - 15, 2000
Commission Meeting**

Orlando, Florida

Meeting Design & Facilitation By:



Florida Building Commission

Attachment to the February 14 - 15, 2000 Minutes

I. OVERVIEW OF AD HOCS' KEY DECISIONS

Saturday, February 12, 2000

Wind Design Ad Hoc Committee

The committee is charged with making recommendations to the Commission on tabled amendment c3BS2.

In November 1999, the Commission adopted the wind design criteria of the IBC with disclosure requirements for Draft III inclusion.

In December, 1999 Commissioner Parrino proposed an amendment to change the basic wind speed from 120 mph to 130 mph in the wind borne debris region definition. This amendment was tabled and stakeholders were asked to meet and attempt to reach a Consensus to present to the Ad Hoc.

The stakeholders informed the Ad Hoc committee that they were not able to reach a consensus but felt they had made some progress and they would be willing to continue discussions. The proposal under review was a modified 120 mph requirement that would designate the protected area to 120 mph at x (some specified) distance from the coast.

The Ad Hoc moved, seconded, and voted 6 – 1 in favor to adopt the following recommendation to propose to the full Commission:

Wind borne debris region, areas within the hurricane prone regions within one mile of the coastal mean high water line where the basic wind speed is 110 mph or greater, or where the basic wind speed is 130 mph or greater.

Insurance Credits for Enhanced Code Protections

In November 1999, the Commission agreed to form a committee to meet with the Insurance Commissioner and his staff to discuss proposals to review the possibility of credit back to consumers to apply to purchase price or appraised value but not to exceed the cost of enhancing protections such as wind borne debris protection.

After discussions the Department of Insurance proposed statutory language to implement the conceptual intent of the Commission's request for insurance premium credits for enhanced wind design requirements. The issue was referred to the wind Design Ad Hoc for review and recommendations.

Commissioner Browdy proposed alternative language and requested that the Ad Hoc consider his proposal. The Ad Hoc moved, seconded, and voted 6 – 1 in favor to adopt the following recommendation to propose to the full Commission:

627.0626 Residential Property Insurance; rate filings.

A rate filing for residential property must include discounts, credits or other rate differentials that will effectively lower insurance rates for residences constructed after January 1, 2001, or residences that have been retrofitted with fixtures or construction techniques intended to reduce the amount of loss in a windstorm. The discounts or credits must be based on not more than a ten (10) year cost recovery formula acceptable to the Insurance Commissioner of the State of Florida. The fixtures or construction techniques shall include, but not be limited to, fixtures or techniques which enhance roof strength; roof covering performance; roof to wall strength; wall to floor foundation strength; opening protection; window, door and skylight strength or other fixtures or techniques which meet the requirements of the Florida Building Code. All insurance companies must make a rate filing which includes the credits or discounts by June 30, 2001.

Sunday, February 13, 2000

Product Approval Ad Hoc Committee Report

The Ad Hoc Committee reviewed the Governor's message on the product approval system and the Commission's Product Approval Technical Group conceptual report adopted by the Commission in December, 1999. The Committee heard a report from the Product Approval Stakeholders Group on their efforts to reach agreement on consensus recommendations to create a state-wide product approval system. The stakeholders group offered a joint statement indicating they had insufficient time to complete the task for consideration in conjunction with adoption of the proposed statewide Florida Building Code. They asked the Ad Hoc Committee and the Commission to forward to the Florida Legislature a recommendation "that the approval and implementation of a state-wide building code be deferred until such time that consensus on a product approval system can be achieved. This consensus may require changes to the current law."

The Ad Hoc moved, seconded, and voted 8 - 1 in favor to adopt the following recommendation to propose to the full Commission:

- 1. The Product Approval Ad Hoc Committee recommends to the Florida Building Commission that the adoption of a Product Approval System be delayed until the Committee completes and delivers a Product Approval System to the Commission for its adoption. The Ad Hoc Committee shall continue its efforts to accommodate all interested parties by further developing the Product Approval System by allowing all interested parties to attend and participate in the Ad Hoc Committee meetings. The Ad Hoc Committee intends to further develop the recommendations of the Product Approval Task Group acknowledging the merit of its work product as an appropriate starting point and until such time as a Product Approval Process is in place, all jurisdictions within the state would utilize the respective existing product approval processes. The Ad Hoc Committee further recommends to the Commission that there be no delay in forwarding the proposed Florida Building Code to the Legislature as it is not necessary for this system to be in final form prior to that submission.**
- 2. All references within the draft Florida Building Code to the product approval system, including the list of products, should be made to conform to motion #1.**

(Adopted Yes=9, No=0)

Prior to adopting the consensus recommendations noted above the committee reviewed the following motions:

- Motion to delay adoption of the Florida Building Code (Quintana, no second)
- Motion to exempt Miami-Dade and Broward County from the Florida Building Code (Quintana, no second)
- Motion (Bassett, Wiggins second. Parrino substitute motion/consensus recommendation replaced this motion)
As a first step in the establishment of the product approval system the Florida Building Code should include Miami-Dade list of products and product approval procedures for the High Velocity Hurricane Zone (HVHZ). DCA should collect the fees collected within the HVHZ for product approval and use the fees to contract with Miami-Dade for the approval of products within the HVHZ. The rest of the state will maintain the current product approval system while the Commission continues consensus building to develop a statewide product approval system for areas outside the HVHZ.
- Motion to amend the agenda to deal with a product evaluation and approval motion (Parrino motion, Kopczynski, second) was overridden by a Motion to Table (Bassett motion, Wiggins second, Yes = 6 No = 2.

Statutory Review Ad Hoc

The Statutory Review Ad Hoc met to complete a package of recommendations they had began reviewing in Miami on February 8, 2000. The Ad Hoc was charged with reviewing and proposing recommendations to the Commission on proposed changes to statute regarding technical standards and policies for recommendation to the Legislature. The Ad Hoc reviewed and made consensus recommendations on the following issues (See Attachment 4):

- Residual Issues Identified by Legal for Possible Statutory Changes
- Maintaining Electrical Standards in Statute
- Commission's Parking Waivers Authority Recommendations
- Commission's Decision on Seeking Legislative Approval to Interpret Codes Separate from Chapter 120
- HB 4181 Glitch Corrections
- Conflicts between Ch.553 and FBC Ch. 1
- Requesting Legislative Authority to Develop Appeals Process for Local Building/Fire Interpretations
- Possible Legislative Authority to Develop Appeals Process for Local Boards of Appeal and Adjustments

II. OVERVIEW OF COMMISSION'S KEY DECISIONS

Monday, February 14, 2000

Agenda Review

The Commission reviewed and approved the agenda as modified. In addition, the Commission agreed to shift issues from Tuesday's agenda to Monday as time allowed.

Workplan

As part of an ongoing process to update its workplan, the Commission reviewed the workplan and tasks list and adopted it as presented. In addition, the Commission agreed to a one day plenary session in Miami to be held on Monday, March 13, 2000. They agreed to work late if necessary in order to accomplish a one day meeting.

Public Comment

The Commission heard approximately 30 minutes of public comment.

Ad Hoc Committee on Wind Design Recommendations on Tabled Amendment #: c3BS2

The Ad Hoc presented their recommendations to the Commission which was amended in favor three times and finally failed by a 14 – 6 vote in favor (The Commission requires a 75% favorable vote—15 – 5 in favor— in order to comply with the criteria for a consensus recommendation). Following reflects the results of the motions and the straw poll results:

WIND DESIGN	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
C3BS2	14	6	Not Adopted as Amended
C3BS2 Straw Poll As Amended	13	7	
1. Take From The Table (in order to reconsider the motion)	18	1	Yes
2. "Opt in" Motion amend	15	5	Yes
3. ASCE 7-98 amend	15	5	Yes
4. Make tables consistent-amend	15	5	Yes

Motion #1 (Wiggins/D'Andrea 2nd)

Motion #2 (Wiggins/ D'Andrea 2nd) Amend the Ad Hoc recommendation to reinstate the "opt in" provision from the July, 1999 version of the code into the current draft of the code.

Motion #3 (Browdy/ Wiggins 2nd) Amend the Ad Hoc recommendation to include buildings that fall in ASCE 7-98 Categories 3 &4 (schools and other critical facilities) located anywhere within the 120 mph region to comply with the requirements for wind load debris resistant design.

Motion #4 (Marshall, D’Andrea 2nd) Amend the Ad Hoc Recommendation to provide that the appropriate tables be made technically consistent with this amendment. (Table applicable to buildings with glazing protection only)

Review and Decision on Tabled Amendment gAE2

Commissioner Quintana proposed a refinement to the definition of engineer to be specific to Florida registered engineers, the amendment was approved by a 15 – 5 vote in favor. In addition, the definitions of architect and building official were given the same consideration and approved by a 20 – 0 in favor unanimous consensus. Commissioner Quintana requested that the evaluation report provision of the amendment be tabled until after the disposition on the product approval system was complete. The motion to table was adopted by a 20 – 0 vote in favor.

gAE2	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
1. Motion to Remove from Table	20	0	Yes
2. “Engineer”	15	5	Yes
3. Evaluation Report Provision Tabled	20	0	Yes
4. Evaluation Report Provision	--	--	Withdrawn
5. Architect & Building Official	20	0	Yes

Review and Recommendations on Wood Design Manual

The Commission reviewed and unanimously adopted the recommendations as presented by staff by a 18 – 0 vote in favor. (Attachment 5)

Review and Recommendations on Statutory Requirements for Childcare Facility Swimming Pools

The Commission reviewed and unanimously adopted the recommendations as presented by staff by a 17 – 0 vote in favor. (Attachment 6)

Energy TAC Report and Energy Code Funding Proposal

The Commission reviewed and unanimously adopted the TAC report and funding request proposal recommendations by a 19 – 0 vote in favor. (Attachment 7)

Roofing TAC Report

The TAC presented their report which was unanimously approved by the Commission.

Review and Decision on the Statutory Review Ad Hoc’s Recommendations

The Ad Hoc was charged with reviewing and proposing recommendations (not specific to transfer of state agencies current authority to the Commission and local enforcement agencies) to the Commission on proposed changes to statute for recommendation to the Legislature. The Ad Hoc presented the Commission with a consent agenda on a package of recommendations for statutory changes to include in the Report to the Legislature.

Following review and proposed amendments the Commission by a 20 – 0 in favor vote, unanimously adopted the package of recommendations as amended. Following are the results of the Commission’s actions on the amendments and the main motions.

	<u>YES</u>	<u>NO</u>	ADOPTED?
Adopt Statutory Review Ad Hoc Packet as amended	20	0	Yes
Consent F.S.	19	<u>0</u>	Yes
Consent F.S. 553	19	<u>0</u>	Yes
Declaratory Statement	18	<u>2</u>	Yes

	<u>YES</u>	<u>NO</u>	ADOPTED?
1. Approve Glitch Bill Rec.’s as amended	19	0	Yes
2. Engineers CEUs	18	1	Yes
3. Public Official Participation in Local Amendment Challenge-Delete from Glitch	18	1	Yes
4. Declaratory Statements	18	2	Yes
5. 3 rd party building inspection	1	19	Not Adopted

Authorization/Approval for Printing Accessibility Code Training Manual

Following a review of the recommendations the Commission by a 20 – 0 in favor vote, unanimously adopted the motion to approve funding the accessibility manual.

DCA Legal Staff Update on Recommendations on Copyright and Royalty Agreements (P. # 24)

Copyright attorney Ava Doppelt, hired to assist DCA, gave the Commission a brief update, answered questions, and promised to research issues of concern identified by Commission members.

Review and Decision on Commission Members' Proposed Amendments to Components/Tasks of the Report to the Legislature

Three proposed amendments were reviewed and following are the results of the Commission's actions on the amendments: (Attachment 8)

	<u>YES</u>	<u>NO</u>	<u>ADOPTED?</u>
CR001	18	<u>0</u>	Yes
CR002	18	<u>0</u>	Yes
CR003	--	<u>--</u>	Withdrawn

Review and Decision on Entry Level Workers Training Program Recommendations

The Commission reviewed and approved amendments to the program proposed by Commissioner Wiggins and approved the amendments and program recommendations as amended by a 18 – 0 vote in favor.

Decision on Funding the Implementation of the Code (Permit Surcharge) Ad Hoc's Recommendations

After reviewing the Ad Hoc's recommendations, the Commission unanimously approved the recommendations by a 19 – 0 vote in favor. (Attachment 9)

Manufactured and Prototype Buildings Review Ad Hoc's Recommendations

Commissioner Kopczynski indicated that the Ad Hoc's recommendations were already incorporated in the statutory recommendations adopted by the Commission and that no further action was currently required on this issue. (Attachment 10)

Decision on Additional Assignments for the Role of the State with Overseeing Building Departments Ad Hoc Committee

The Commission unanimously approved, by a 19 – 0 vote in favor, adding the following workplan tasks to the Ad Hoc's assignment:

- Recommendations for ISO Ratings Program for Building Departments [Leg. 9].
- Recommendations on Voluntary Standards for Building Departments [Leg. 6].

In addition, Chairman Rodriguez appointed Commissioner Calpini to serve on the Ad Hoc.

Ad Hoc Members:

Nick D'Andrea (chair), John Calpini, Harold Covey, George Wiggins, Dick Browdy, Peggy Harris, and Christ Sanidas.

Tuesday, February 15, 2000

Agenda Review

The Commission reviewed the updated agenda and unanimously approved it as presented.

Public Comment

The Commission heard approximately 45 minutes of public comment.

Secretary Seibert Addresses Commission

DCA Secretary Seibert addressed the Commission and on behalf of himself and the Governor commended them for their efforts on working toward building consensus on the complex and difficult building code system. He encouraged the Commission to seek a consensus and to adopt the code and proceed with rule development. In addition, he indicated the Department's support for the Product Approval Ad Hoc's recommendations. Finally, he concluded by thanking the members for their efforts on behalf of the citizens of Florida.

Review and Decision on the South Florida Integration Ad Hoc Committee on Product Approval Recommendation's on South Florida Integration and the State Product Approval System

The Commission reviewed the Ad Hoc's recommendations and after considering an amendment to modify the system delivery date adopted the amended recommendation by a 18 – 1 vote in favor. The recommendation and status update will be included in the Commission's report to the Legislature. (See Ad Hoc's recommendation in Part I, p. 2)

	<u>YES</u>	<u>NO</u>	ADOPTED?
Ad Hoc Rec As Amended	18	<u>1</u>	Yes

- Motion to Adopt Ad Hoc Recommendation (Wiggins, D'Andrea 2nd)
 - Include a summary of the current status of the development of the product approval system in the FBC report to the legislature (friendly amendment)
- Motion** (Marshall, Leonard 2nd , 18-1 Adopted) Amend the Ad Hoc recommendation to provide that the Commission will engage in its consensus building process to develop a product approval system by June 30, 2001.

Decide on Tabled Portion of Amendment gAE2

In light of the decision on the Product Approval recommendations, Commissioner Quintana withdrew the amendment on a proposed definition for Evaluation Report with the understanding that he may bring it back after the Product Approval system is complete.

Insurance Credits for Enhanced Code Protection Decision

The Commission reviewed the wind Design Ad Hoc’s recommendations and after adopting two amendments adopted the Ad Hoc’s recommendations as amended by a 18 – 1 vote in favor. Following are the results of the Commission’s actions on the amendments and the main motion to adopt the recommendation: (See Ad Hoc’s recommendation in Part I, pp. 1 -2)

	<u>YES</u>	<u>NO</u>	ADOPTED?
Ad Hoc Recs. As Amended	18	<u>1</u>	Yes

- Add “or hurricanes.” after “the amount of loss in a windstorm” (friendly amendment)
- Motion to Delete sentence: ~~The discounts or credits must be based on not more than a ten (10) year cost recovery formula acceptable to the Insurance Commissioner of the State of Florida~~ and add: Discounts or credits must be based on a methodology acceptable to the Insurance Commissioner of the State of Florida. (19-0, Browdy, Calpini 2nd)

Appoint Ad Hoc to Develop Alternative Procedures to Accompany Requests for exemption from Variances and Waivers of Rules (the code) Required Under Chapter 120, F.S.

Chairman Rodriguez appointed the following Commissioners to serve on the Ad Hoc: Christ Sanidas (chair), John Calpini, Jim Mehlretter, Karl Thorne, Frank Quintana, and George Wiggins.

Approve Proceeding with Rule Adoption for the Education/Training Rule

The Commission unanimously approved, by a 20 – 0 vote in favor, proceeding with rule adoption for the Education/Training Rule for core training.

Adopt Final Recommendations on Components for Inclusion in the Report to the Legislature & Approve Directing Staff to Transmit Approved Components in the Report Document

The Commission unanimously approved, by a 20 – 0 vote in favor, adopting the components to the Report to the Legislature as amended. In addition, staff is authorized to submit the Report to the Legislature with the disposition of the Commission’s recommendations on the components.

Adopt Final Text of the Building Code and Approve Proceeding with Rule Adoption for the Building Code Rule

The Commission approved, by a 15 – 4 vote in favor, adopting the Florida Building Code as amended and proceeding with rule adoption for the Building Code Rule.

Following describes the various motions and their disposition prior to final adoption of the Building Code:

The initial motion to adopt the code failed by a vote of 14 – 5 in favor of code adoption . This vote missed the required 75% favorable vote for approval by one vote.

A request for a straw poll on the failed wind design amendment (c3BS2) was made. The straw poll tally was 12 – 7 in support, and indicated that there was not sufficient support to reconsider the previously defeated proposed amendment.

Commissioner Sanidas, a member of the prevailing side from the first vote for approval of the code as amended, moved to reconsider the motion to adopt the code and proceed with rule adoption for the Building Code Rule. The commission approved the motion to reconsider by a vote of 15 – 4 in favor.

The Commission then approved, by a 15 – 4 vote in favor, adopting the Florida Building Code as amended and proceeding with administrative rule adoption.

1st Motion- FBC Adoption/Rule-making	<u>YES</u> 14	<u>NO</u> 5	<u>ADOPTED?</u> No
Reconsideration of Final Adoption	15	4	Yes
2nd Final Adoption and Rulemaking	15	4	Yes
Straw Poll 130 as amended	12	7	--

IV. ATTACHMENTS

Attachment 1	Meeting Evaluation Summary & Ad Hoc Evaluation Summaries
Attachment 2	Wind Design & Product Approval Chronology
Attachment 3	March, 2000 Workplan
Attachment 4	Statutory Review Ad Hoc Consent Recommendations
Attachment 5	Wood Design Manual Recommendations
Attachment 6	Childcare Facility Swimming Pools Recommendations
Attachment 7	Energy Code Funding Proposal
Attachment 8	Approved Amendments to Components of Legislative Report
Attachment 9	Funding the Code Recommendations (Permit Surcharge)
Attachment 10	Manufactured and Prototype Buildings Recommendations

Attachment 1

**Florida Building Commission
February 14 - 15, 2000
Orlando, Florida**

Meeting Evaluation Summary

How well did the Commission achieve the meeting objectives?

	<i>Circle One</i>					Avg
	Good			Poor		
• Decide on Wind Design Ad Hoc's Recommendations	5	4	3	2	1	4.18
• Decide on Proposed Recommended Statutory Changes	5	4	3	2	1	4.50
• Consideration of Accessibility Waiver Applications	5	4	3	2	1	4.36
• Recommendations for a State Product Approval System	5	4	3	2	1	4.00
• Commission Member Proposed Report Amendments	5	4	3	2	1	4.30
• Funding/Surcharge Recommendations	5	4	3	2	1	4.27
• Recommendations for Manufactured and Prototype Buildings	5	4	3	2	1	4.45
• Recommendations for Entry Level Training Program	5	4	3	2	1	4.50
• Adopt Draft III as Amended and Approve Proceeding with the Rule Adoption Process for the Building Code Rule	5	4	3	2	1	4.30
• Approve Proceeding with the Rule Adoption Process for the Education/Training Rule	5	4	3	2	1	4.50
• Adopt Final Text of the Components for Inclusion in the Report to the Legislature	5	4	3	2	1	4.20
• Approve the State Product Approval System Conceptual Design for Inclusion in the Report to the Legislature	5	4	3	2	1	4.30
• Review Assignments for Next Month	5	4	3	2	1	4.30

Rate the following aspects of the meeting?

Clarity of the meeting purpose and plan	5	4	3	2	1	4.63
Balance of structure and flexibility	5	4	3	2	1	4.63
Group involvement and productivity	5	4	3	2	1	4.63
Facilitation	5	4	3	2	1	4.81
Facility	5	4	3	2	1	4.80

Comments:

Raul doing nice job as Chair.

Great.

Great job on the facilitation. It got very intense at times and the facilitator kept things on-line.

What did you like best about the meeting?

Passage of Building Code.

Efforts to conclude our work products for the legislature.

Open discussion allowed where needed.

How could the meeting have been improved?

Sound system needs improvement.

Sound system (Jeff needs a hand-held portable mike).

**Florida Building Commission
Wind Design Review Ad Hoc
Saturday, February 12, 2000
Orlando, Florida
Meeting Evaluation Summary**

How well did the Commission achieve the meeting objectives?

	<i>Circle One</i>					
	Good			Poor		Avg
Review of Stakeholder's Recommendations	5	4	3	2	1	4.66
Overview of Governor's Direction to Commission	5	4	3	2	1	4.66
Overview of Tabled Amendment c3BS2	5	4	3	2	1	4.83
Review, Discussion, and Recommendation on Amendment c3BS2	5	4	3	2	1	5.00
Agree on Any Needed Next Steps and Assignments	5	4	3	2	1	5.00

Rate the following aspects of the meeting?

Clarity of the meeting purpose and plan	5	4	3	2	1	4.83
Balance of structure and flexibility	5	4	3	2	1	4.83
Group involvement and productivity	5	4	3	2	1	4.66
Facilitation	5	4	3	2	1	4.83
Facility	5	4	3	2	1	4.83

Comments:

None Submitted

Florida Building Commission
Statutory Review Ad Hoc Committee

Sunday, February 13, 2000
Orlando, Florida

Meeting Evaluation Summary

How well did the Commission achieve the meeting objectives?

	<i>Circle One</i>					
	Good		Poor			Avg
Recommendations on Deferred Issues Identified by Legal	5	4	3	2	1	4.87
Recommendations on Maintaining Electrical Standards in Statute	5	4	3	2	1	4.87
Recommendations on Conflicts between F.S. Ch. 553 and FBC Ch. 1	5	4	3	2	1	4.87
Recommendations on Proposed Amendments	5	4	3	2	1	4.87
Recommendations on Requesting Legislative Authority to Develop Appeals Process for Local Building/Fire Interpretations	5	4	3	2	1	4.87
Discuss Legislative Authority to Develop Appeals Process for Local Boards of Appeal and Adjustments	5	4	3	2	1	4.50

Rate the following aspects of the meeting?

Clarity of the meeting purpose and plan	5	4	3	2	1	5.00
Balance of structure and flexibility	5	4	3	2	1	5.00
Group involvement and productivity	5	4	3	2	1	5.00
Facilitation	5	4	3	2	1	5.00
Facility	5	4	3	2	1	5.00

Comments:

Good job!
Molto Bene! Bravo!

What did you like best about the meeting?

Good.

How could the meeting have been improved?

Nothing - it was good.

**Florida Building Commission
South Florida Integration Ad Hoc on Product Approval**

Sunday, February 13, 2000
Orlando, Florida

Meeting Evaluation Summary

How well did the Commission achieve the meeting objectives?

	<i>Circle One</i>					
	<u>Good</u>			<u>Poor</u>		<u>Avg</u>
Review of Stakeholder's Recommendations	5	4	3	2	1	5.00
Review of Governor's Direction to Commission	5	4	3	2	1	4.71
Review of Key Conceptual Elements of the System	5	4	3	2	1	4.71
Review of Additional Consensus Components Identified by Stakeholder's Group	5	4	3	2	1	4.71
Review of System Development Timelines	5	4	3	2	1	4.71
Conceptual Recommendations for Inclusion in Report to Legislature	5	4	3	2	1	4.71
Needed Next Steps and Assignments	5	4	3	2	1	4.71

Rate the following aspects of the meeting?

Clarity of the meeting purpose and plan	5	4	3	2	1	4.71
Balance of structure and flexibility	5	4	3	2	1	4.71
Group involvement and productivity	5	4	3	2	1	4.57
Facilitation	5	4	3	2	1	4.71
Facility	5	4	3	2	1	4.71

Comments:

None Submitted

Attachment 2

Wind Design Chronology

April 1999, Commission authorizes the printing and dissemination of the TAC/TG recommendations on a working draft of the Florida Building Code. Draft I does not include high hurricane hazard zone or ASCE 7-98 wind design provisions for the state.

May – July 1999, Commission conducts 11 statewide Public Input Forums on Draft I of the FBC.

June 1999, Commission proposes options for wind load design options for South Florida.

July 1999, Commission ranks wind load design options and forms Ad Hoc to make recommendations to Commission.

Ad Hoc develops consensus option providing South Florida with a special high hurricane hazard zone which maintains the SFBC provisions for wind load design.

August 1999, Commission adopts Wind Load Design Ad Hoc's recommendations for inclusion in Draft II of the FBC.

September – November 1999, Commission conducts 5 Facilitated Public Hearings on Draft II throughout the state.

October 1999, Commission proposes and ranks options for wind design criteria for the state and assigns Wind Design Ad Hoc to deliver recommendations to the Commission. Commission ranks wind design criteria of IBC with disclosure requirements as number 1. (requirement that builders provide owners with notice if structure is designed as a closed structure and requires window protection for wind storm conditions)

November 1999, Wind Design Ad Hoc develops consensus option recommending wind design criteria of IBC with disclosure requirements. Commission adopts Draft III of FBC including wind design criteria from the IBC which includes ASCE 7-98 for the state.

December 1999, Commission considers amendment to revise wind borne debris region definition to modify the debris protection requirement triggering wind speed from 120 mph to 130 mph, and retaining the ASCE 7-98 120 mph requirement for within 1 mile from the coast.

Amendment fails by a vote of 6 – 10 in favor.

Commission moves to reconsider amendment for purposes of consensus-building by a 13 – 3 vote in favor.

Commission moves to table amendment by a 16 – 0 vote in favor.

Chair encourages insurance industry and home builders to work toward a consensus option on proposed amendment.

January 2000, Ad Hoc Recommends deferring action on tabled amendment c3BS2 until the stakeholder group meets again and delivers their proposal to the Wind Design Ad Hoc Committee, prior to February 12, 2000. In addition, it is recommended that the Commission delay proceeding with rule adoption for the Building Code Rule until the February 2000 Commission meeting. Unanimously approved.

Commission moves and unanimously approves tabling amendment until the February Commission meeting. In addition, the Commission agrees to defer final adoption of the building Code and proceeding with rule adoption for the Building Code Rule until the February, 2000 Commission meeting in Orlando.

February 2000, Ad Hoc moves, seconds, and votes 6 – 1 in favor to adopt the following recommendation to propose to the full Commission:

Redefine the wind borne debris region as follows: areas within the hurricane prone regions within one mile of the coastal mean high water line where the basic wind speed is 110 mph or greater, or where the basic wind speed is 130 mph or greater.

Commission amends recommendation and finally votes against amendment by a 14 – 6 vote in favor (The Commission requires a 75% favorable vote—15 – 5 in favor— in order to comply with the criteria for a consensus recommendation).

Commission adopts Draft III as amended including wind design criteria of IBC.

Product Approval Chronology

August 1999, Commission adopts Task Group recommendations.

September 1999, Commission reviews and ranks components of proposed product approval system developed by Task Group and forms Ad Hoc to deliver recommendations to the Commission. In addition, Commission approves hiring a consultant to do a comparison between Miami-Dade's product control system and the proposed state system.

October 1999, Commission proposes and ranks options to integrate Miami-Dade County Product Control into the State Product Approval system and assigns Ad Hoc to deliver recommendations to Commission.

November 1999, Chair encourages industry and Miami-Dade County to work together to build a consensus option to present to the Commission's Product Approval Ad Hoc. Stakeholder's group holds first meeting.

December 1999, Ad Hoc meets and expresses support for stakeholder's efforts and recommends meeting again in January and continuing to develop system. Commission approves Ad Hoc's recommendations.

January 2000, The Product Approval Ad Hoc unanimously moved to adopt the following recommendation to present to the Commission:

Recommend that the Commission defer action on adopting an amendatory draft of the product approval system until the February 2000 Commission meeting. In addition, the stakeholders will report their recommendations to the Commission's Ad Hoc prior to February 12, 2000. Commission moves to support Ad Hoc's recommendations and review in February. Stakeholder's group continues to meet and develop recommendations.

February 2000, Stakeholder's group continues to meet and decides more time is needed in order to complete their recommendations. In addition, stakeholder's group recommends deferring action on the code until the Product Approval System is complete. The Product Approval Ad Hoc Committee meets and recommends to the Florida Building Commission that the adoption of a Product Approval System be delayed until the Committee completes and delivers a Product Approval System to the Commission for its adoption. The Ad Hoc Committee shall continue its efforts to accommodate all interested parties by further developing the Product Approval System by allowing all interested parties to attend and participate in the Ad Hoc Committee meetings. The Ad Hoc Committee intends to further develop the recommendations of the Product Approval Task Group acknowledging the merit of its work product as an appropriate starting point and until such time as a Product Approval Process is in place, all jurisdictions within the state would utilize the respective existing product approval processes. Commission review Ad Hoc's recommendations and modifies delivery date to June 30, 2001. Recommendation as amended is adopted by a 18 – 1 in favor vote.

Attachment 3

March, 2000 Workplan

Feb. 29 Submit Report to the Legislature

March 13 Commission Meeting

March 13 Public hearing on proposed Education/Training Rule (8:30 – 9:00 AM)

March 13 Public hearing on proposed Building Code Rule (9:00 – 12:00 PM)

Rulemaking Hearing for Education/Training Rule

Rulemaking Hearing for Building Code Rule

Clarify Wind Design Decision

Review and Decide on Chapter 120 Variance Review Ad Hoc Recommendations

Review Final Report to the Legislature

Ad Hoc on Role of the State with Overseeing Building Departments reports on preliminary status on voluntary professional standards for operation of building departments and for personnel development [Leg. 6], and recommendations for ISO Ratings Program for Building Departments [Leg. 9].

Clarify FBC and DCA Roles, and Communication During the Legislative Review Process

Discussion of Commissioners Speaking at Associations

Report on Information/Communication System

Update on Copyright/Royalty Issues

Threshold Inspector Committee Report

Accessibility Sensitivity Awareness Training

Appoint Ad Hoc to Make Recommendations on Plans Review Criteria and Minimum Standards Including Recommendations on the Appeals Process From Local Boards of Appeals; and, Recommendations for Emergency Management/Disaster Relief Permitting and Inspections

Appoint Ad Hoc to Begins Review of Criteria for Economic Impact Statement of Proposed Amendments (after 2001) to State Code

Appoint Ad Hoc to make Recommendations on a Rating System for Buildings Under Storm Conditions

Attachment 4

Recommendations and Report of Statutory Review Ad Hoc

Report #1 of the Statutory Review Committee

The Committee voted unanimously to advance the following consensus recommendations to the Commission for approval:

Consent agenda:

Items approved as recommended: 125.01(1)(i), 125.0106, 125.56, 161&380.26, 235.014(6-9), 235.017, 235.056(2)(a), 235.211-235.215, 240.209(3), 253.033(2), 255.21, 255.252-255.257, 255.40, 309.01-.02, 337.408, 468.604, and 469.002(1)(d).

Items approved as modified: 481.203(7), 489.503(14), 500.12, 655.962, 489.103(7)-503(6), 500.12(2), 713.135,440.103, and 713.135.

Discussion agenda: None

Report #2 - Statutory Review Committee:

The Committee voted unanimously to advance the following consensus recommendations for approval:

Consent agenda:

Items approved: 1,2,3,4,13,25,26,27, 32, 33, 36, 37, 38, 39, 40, 42, 43, [44,47,48 (w/m)],49,51,52,53,54,55,56,57,58,59,{60,61,62,63,64(w/m)},65,66,67,68,70,71,72,73, 74(w/m),75,76,78,79(w/m),80,81,82,83,84,85,86,88,89,90,[91,92(w/m)],93,95,96,97,98,99,100,101,102,103,104,105(w/m),106,107,108,109,110,111,112(w/m),113,114,115,116,117,118,119, 120,121,122,123,124,125(w/m),126,127,128,129,137,138,139,140, 142(w/m),143(w/m),144,145,148,149,150,151,152.

Item denied: 29,34,41,50,64,141,142.

Items deferred: 19,35.

Note: Item #19 is Parking waiver/ accessibility - the Commission approved transferring the parking requirements of Ch. 316, FS to Ch. 553, FS with the condition that the Commission would not have the authority to waive the 12 feet wide parking space.

Item #35 was deferred to the Commission with the recommendation that an Ad hoc Committee be established to develop minimum requirements for plan review.

Discussion agenda: None.

The Commission adopted by unanimous consent all of the above referenced recommendations.

***Summary of Ad Hoc Committee on Statutory Review's
Recommendations on Changes to the
Commission's Declaratory Statement Authority***

Effective January 1, 2001, the commission has the authority to issue declaratory statements concerning the following issues:

- New technologies, techniques and materials which have been tested where necessary and found to meet the objectives of the Florida Building Code.
- The interpretation, enforcement, administration, or modification by local governments of the Florida Building Code.
- Relating, generally, to part VII of ch. 553, which will be titled, "Florida Building Code."
- A state agency's interpretation and enforcement of the specific provisions of the Florida Building Code or relating to the conformity of new technologies, techniques and materials to the objectives of the Florida Building Code.

In lieu of the Commission's decision on December 7, 1999, to eliminate certain authorities, the committee recommends that the following legislative changes be sought to the commission's declaratory statement authority:

- Clarify that the commission's authority to issue declaratory statements regarding new technologies, techniques and materials applies to types of products which are not required to be approved through the state product evaluation and approval process. This should clarify that the declaratory statement is not an alternative to product approval when required.
- Combine #2 and #4 to clarify that the commission can issue declaratory statements regarding the interpretation, enforcement, administration, or modification of the Florida Building Code by local governments and state agencies.

The Commission adopted by unanimous consent all of the above referenced recommendations.

*Summary of Ad Hoc Committee on Statutory Review's
Recommendations on carrying forward
legislative requests from
1999 Building Codes Glitch Bill*

1999 Provision	Commission Decision
Several sections update the statutes by changing the name of the former Board of Building Codes and Standards to the Florida Building Commission. These references were simply overlooked in drafting HB 4181 and are needed to clarify the authority of the commission.	Include
The bill amends s. 468.607, F.S., to “grandfather” DOE inspectors and plans examiners until their current license expires.	Include
The bill amends s. 468.609, F.S., to clarify that a person seeking to sit for the examinations for inspector, plans examiner or building code administrator must meet all the listed criteria, but must only comply with the CEU requirements related to the Florida Building Code when the Building Code Training Program has been established. A literal reading of the current statute prevents any candidate from qualifying to take these exams between the effective date of HB 4181 and the year 2001.	Include
The bill amends s. 468.617, F.S., to clarify that school boards, community colleges and state universities may contract with another educational entity, a local government or a private inspector for facilities plans review and inspection.	Include; also amend chapter 553 to conform
The bill amends s. 553.73, F.S., in several respects:	
First, it clarifies that both the initial adoption of the Florida Building Code, and its subsequent updates, are binding on local governments without requiring any local legislative action on their part.	Include
Second, it clarifies that changes to standards adopted by reference within the Florida Building Code may only be enforced by amendment to the code.	Include
Third, it prohibits government officials who participate in the passage of a local amendment from sitting on the countywide review board which hears a challenge to the same amendment.	Not Approved by Commission
Fourth, it provides that the edition of the code in effect on the date a building permit is issued governs throughout the project.	Include

<p>Fifth, it provides that any amendment to the code adopted upon a finding of the commission that the amendment is necessary to protect the public from immediate threat of harm shall become effective immediately.</p>	<p>Include</p>
<p>Finally, it deletes one of the conditions limiting the commission's authority to adopt amendments to the code.</p>	<p>Include; and add #5 to s. 553.73(7)(a), which authorizes the commission to amend the code yearly to incorporate declaratory statements</p>
<p>The bill amends 553.77, F.S., to restore the authority of the commission to issue advisory opinions, although limits this authority to administrative and technical provisions of the code.</p>	<p>Deferred</p>
<p>This section is also amended to correct a cross-reference and to authorize state agencies to petition for declaratory statements.</p>	<p>Include</p>
<p>The bill amends s. 553.781, F.S., to clarify that the Department of Business and Professional Regulation, in addition to the professional licensing boards, conducts disciplinary investigations and take disciplinary actions.</p>	<p>Include</p>
<p>The bill amends s. 553.80, F.S., to delete a cross-reference which will no longer be applicable in 2001. While some state agencies are exempt from the requirement of local enforcement, delegation of the authority for building construction to another government agency will not be an issue.</p>	<p>Do not delete; further restore the language of s. 553.79(9) which was deleted in 1998</p>
<p>The bill amends s. 553.842, F.S., to implement the recommendations of the product approval task group.</p>	<p>Do not include; premature</p>
<p>The bill amends various sections of chapter 633 to replace the "department" with the "State Fire Marshal" as the authority to issue declaratory statements, interpret and enforce the Florida Fire Prevention Code. Section 633.01, F.S., is amended to provide procedural and substantive requirements for local amendments to the code. Section 633.025, F.S., is also amended to clarify that electrically operated smoke detectors do not have to be interconnected within individual living units in buildings which provide direct access to the outside from each living unit.</p>	<p>Include</p>
<p>The bill directs the commission to conduct research regarding private sector assistance with plans review and inspection.</p>	<p>Do not include</p>

<p>The bill amends s. 553.841 to add the State Fire Marshal as an agency with which the commission must coordinate in developing the building code training program.</p>	<p>Include</p>
<p>The bill repeals a subsection of law which requires professional engineers to complete CEUs in the Florida Building Code as a prerequisite for license renewal. The law retains the requirement that CEUs be taken, but the bill eliminates the link between CEUs and license renewal.</p>	<p>Do not include; inconsistent with DBPR recommendations on mandatory CEUs</p>
<p>The bill repeals an obsolete provision relating to tracking registration of Division II contractors.</p>	<p>Do not include; DBPR issue</p>
<p>Finally, the bill provides an effective date upon becoming law; however, certain sections will not become effective until 2001 because they amend sections of law which do not become effective until 2001.</p>	<p>No change</p>

The Commission adopted by unanimous consent all of the above referenced recommendations, except where noted otherwise.

Attachment 5

Wood Design Manual Recommendations

**Florida Building Commission
Building Codes and Standards Office**

MEMORANDUM

TO: Florida Building Commission

FROM: Staff

DATE: February 4, 2000

SUBJECT: The 1997 Guide to Wood Construction in High Wind Areas “the Builder’s Guide”

At the last Commission meeting, the Commission directed the staff to determine under what conditions the Builder’s Guide should be implemented as one of the exceptions to ASCE 7-98 standard for wind loads design. Staff has reviewed the document in question and provides the following:

- The 1997 Builder’s Guide provides for a simplified construction method for the construction and design of wood frame single story buildings in high wind areas where fastest design wind velocities reach 100 and 110 miles per hour and wall height up to 10 feet. The Guide was developed based on Chapter 16 of the 1997 Standard Building Code (SBC) which utilizes Fastest Mile - Basic Wind Speed Map.
- The ASCE 7-98 (latest edition of the standard) includes the latest information regarding wind design loads for buildings. It provides for a 3 - second gust- Basic Wind Speed Map with new wind contours and design pressures that are different than the wind speed map and design wind pressures of Chapter 16 of the 1997 SBC.
- Because of the major changes that took place in the wind speed map and in the wind pressures and because there is no simple correlation between the wind pressures of ASCE 7-98 and Chapter 16 of the 1997 Standard Building Code, it is very difficult to compare the Guides in question to ASCE 7-98.
- In order to validate compliance with the Florida Building Code, the Guide should be revised to demonstrate compliance with Chapter 16 of the Florida Building Code.
- At the last meeting and based on a request from the FC&PA, the Commission approved allowing the use of the existing “FC&PA Guide to Concrete Masonry Residential Construction in High Wind Areas (the Masonry Guide)” in areas where the basic wind speed is 130 mph or less in Exposure B and 110 mph or less in Exposure C.

- Both the Builder’s Guide and the Masonry Guide were developed based on Chapter 16 of the 1997 Standard Building Code which utilizes Fastest Mile - Basic Wind Speed Map.
- Recommendations:

Immediate solution:

- To allow for the use of the existing Builder’s Guide under the Florida Building Code, staff recommend limiting the Guide’s applications to areas where the basic wind speed is 130 mph or less in Exposure B and 110 mph or less in Exposure C.

Long term solution:

- Require that the industry revises the Builder’s Guide for compliance with Chapter 16 of the Florida Building Code and submit it to the Commission for approval. Approval and adoption by the Commission of the revised Guide could be accomplished through the rulemaking process of Chapter 120, FS procedure. This requirement should be applied to all specification standards listed in s. 1606.1.1 of the FBC.

- **Additional recommendations:**

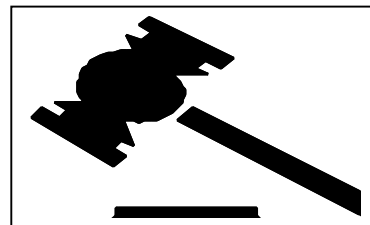
- Apply the above recommendations to SBCCI SSTD 10-99.

As requested by the American Forest & Paper Association (see attached), staff recommend limiting the “AF&PA Wood Frame Construction Manual for One and Two-Family Dwellings - 1995 SBC High Wind Edition” to areas where the basic wind speed is 146 mph or less in Exposure B and 124 mph or less in Exposure C.

The Commission adopted by unanimous consent all of the above referenced recommendations.

Attachment 6

Childcare Facility Swimming Pools Recommendations



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**FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
OFFICE OF THE GENERAL COUNSEL
GENERAL GOVERNMENT SECTION
2555 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-2100
(850) 488-0410 SUNCOM 278-0410
FAX (850) 922-2679**

=====

MEMORANDUM

TO: Florida Building Commission

FROM: Jim Richmond, Assistant General Counsel

SUBJECT: Swimming Pools at Residential Child Care Facilities

DATE: February 11, 2000

=====

I have reviewed the definition of “public swimming pool” with regard to the recent amendment to Florida Statutes pertaining to pools serving residential day care facilities which are not available for use by the general public. Pools serving such a purpose are exempt from the regulations specific to public pools which would include the rules of the Department of Health that have been subsumed by the Florida Building Code. The building code definition mirrors that found in Section 514.011, Florida Statutes. However, Chapter 541 also exempts several pools, which exemptions are not listed within the rule currently, including those of residential day care facilities. The entire text of the statute, Section 514.0115, is:

514.0115__Exemptions from supervision or regulation; variances.—
(1)__Private pools and water therapy facilities connected with facilities connected with hospitals, medical doctors' offices, and licensed physical therapy establishments shall be exempt from supervision under this chapter.

(2)(a) Pools serving no more than 32 condominium or cooperative units which are not operated as a public lodging establishment shall be exempt from supervision under this chapter, except for water quality.

(b) Pools serving condominium or cooperative associations of more than 32 units and whose recorded documents prohibit the rental or sublease of the units for periods of less than 60 days are exempt from supervision under this chapter, except that the condominium or cooperative owner or association must file applications with the department and **obtain construction plans approval** and receive an initial operating permit. The department shall inspect the swimming pools at such places annually, at the fee set forth in s. 514.033(3), or upon request by a unit owner, to determine compliance with department rules relating to water quality and lifesaving equipment. The department may not require **compliance with rules relating to swimming pool lifeguard standards.**

(3) A private pool used for instructional purposes in swimming shall not be regulated as a public pool.

(4) Any pool serving a residential child care agency registered and exempt from licensure pursuant to s. 409.176 shall be exempt from supervision or regulation under this chapter related to construction standards if the pool is used exclusively by the facility's residents and if admission may not be gained by the public.

(5) The department may grant variances from any rule adopted under this chapter pursuant to procedures adopted by department rule.

My recommendation is that the statute be cross referenced within the body of the code to make the enforcement officials aware of the exemptions. This permits for the expansion and contraction as adopted by legislation, but directs those concerned to the appropriate location for the information.

The Commission adopted by unanimous consent all of the above referenced recommendations.

Attachment 7

Energy Code Funding Proposal

Energy Technical Advisory Committee Report 2/13/00 Meeting

Although the Commission is no longer accepting revisions to the Florida Building Code for 2001, the energy code and its compliance tools (EnergyGauge FLA/COM) need development time and money to be ready to implement ASHRAE Standard 90.1-1999 for the next round of code changes. DCA has an opportunity to request further funding from the U.S. DOE to upgrade our software to the ASHRAE 90.1-99 standard and its “engine” to EnergyPlus. The Energy TAC supports this funding request and recommends the Commission’s support as well.

The TAC and Commission have already approved a number of other changes to Florida’s energy code that will need to be included into the code compliance software. Funding is also being solicited from DOE to update the EnergyGauge software to include those changes. The Commission’s support is requested.

The TAC also requests approval of Joe Crum as a voting member of the Energy TAC in the “General” category. He is with the Port Orange building department and will be a valuable asset to the TAC as he also serves on the International Energy Conservation Code committee.

The Commission, by unanimous consent, moved to adopt the Ad Hoc’s report and recommendations as presented.

Attachment 8

Approved Amendments to Components of Legislative Report Amendment for Report to the Legislature

Name: George Wiggins
Address: 401 S. Park Avenue, Winter Park, Fl 32789
E-Mail: gwiggins@ci.winter-park.fl.us
Phone: 407-599-3426
Fax: 407-599-3499

Date: January 26, 2000

Agency Use Only
Item# CR001

Comment Type:

Substantive

Component/Task: Roles & Responsibilities Guide

Proposed Amendments:

1st Paragraph: **Roles and Responsibilities**

The primary role of the Florida Building Code is-public safety along with the provision of barrier free and energy efficient buildings. Building codes are important for all Floridians, since most aspects of building construction-structural, electrical, heating, plumbing-are potentially dangerous. The Florida Building Code provides minimum safety standards by regulating the quality of design, construction, materials, occupancy, location and maintenance demolition of all residential and commercial buildings in its jurisdiction. 1

5th Paragraph: **Role of Local Government**

Local government has an important role in Florida's building code system. and is the primary agency for the enforcement of the building code. A majority of the building code functions are performed by local government, however the building industry and state agencies are key participants in the process. Local government is responsible for 55% of code functions (30% are building industry, 25% are Governor/Legislature/state agency). The Florida Building Code allows local jurisdictions to make amendments when more stringent local conditions justify such action. The goal is to address legitimate local conditions, while preventing a hodgepodge proliferation of inconsistent local codes.

9th Paragraph:

Building Code Inspectors ~~are field representatives of the building official that~~ inspect construction activities for compliance with the Florida Building Code ~~and federal, or~~ and state, local construction requirements. Building code inspectors must be licensed by the Building Code Administrators and Inspectors Board and are regulated by Chapter 468, Part XII, Florida Statutes.

14th Paragraph:

Construction contractors ~~work with~~ perform the construction, alteration, remodeling, repair or demolition of buildings and building systems.

Side 2: Roles & Responsibilities Table:

Add 2 types of boards under Local Government: **Appeals Board** and **Countywide Compliance Review Board**.
For Responsibility include:

Appeals & Licensing Board (City or county): Hears appeals of building official decisions/code interpretations. Administers licensing of building trades at local level only and takes disciplinary actions.

Countywide Compliance Review Board: Hears appeals to determine if local amendments meet statutory criteria.

Agency Use Only
Item # **CR002**

Commission Member's Proposal Amendments

Deadline for Submittal: January 28, 2000, 5:00 PM

Name: Suzanne Marshall Date: January 27, 2000
Address: Department of Education Comment Type:
Educational Facilities
1054 Turlington Building
325 W. Gaines Street
Tallahassee, Fl, 32399
Phone: 850-487-1130 Editorial:
Fax: 850-488-1677 Substantive: X

Component/Task Page, and Section # to Amend.
(See amendment proposals)

Proposed Amendment: Three Attached

PROPOSAL:

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.

RATIONAL FOR CHANGE & JUSTIFICATION:

Authority to contract for these services is provided in chapter 235 F.S., however as the new Florida Building Code emerges, all will look to chapter 468 F.S., for inspection services. Chapter 553.80 F.S.,

authorizes public schools, community colleges and state universities to provide plan review services for their projects. The inclusion of state agencies provides consistent authorizations to all entities providing similar services to the public. Public schools and community colleges have authority in 235.017F.S. to form consortia, to hire Florida registered architects and engineers for plan review. This amendment provides more options/flexibility for these public educational entities to obtain plan review services. This proposal continues to simplify the process of building code review of construction documents, by overlapping educational facilities code enforcement policies with the local governmental code enforcement policies in the same section of statute.

FISCAL IMPACT:

No additional cost, with the potential to save money over development of “in-house” building departments.

PROPOSAL:

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. Persons acting as inspectors and plans examiners pursuant to s. 235.26 while conducting activities authorized by certification under that section shall be deemed certified to continue inspections for the board or a local government until their Uniform Building Code Inspector certification expires, after which time they must possess the proper valid certificate issued in accordance with the provisions of this part.

JUSTIFICATION:

The Uniform Building Code Inspector training and certification program established by chapter 235 F.S. for educational facilities, was operational prior to the implementation of the certification program authorized in chapter 468 F.S., which was established for local government building inspectors. When the Uniform Building Code (as authorized in chapter 235 F.S.), is merged into the Florida Building Code, (authorized in chapter 553 F.S.), effective January 1, 2001, those Uniform Building Code Inspectors certified under chapter 235 F.S. to enforce the UBC will need to become certified under chapter 468 F.S. for the FBC.

FISCAL IMPACT:

No fiscal impact. This should maintain stability in current school board and community inspection departments.

PROPOSAL:

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

(6)(a) A building code administrator, plans examiner, or inspector holding office on July 1, 1993, shall not be required to possess a standard certificate as a condition of tenure or continued employment, but shall be required to obtain a limited certificate as described in this subsection.

(b) By October 1, 1993, individuals who were employed on July 1, 1993, 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 them 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. By January 1, 2001, individuals who were employed by educational boards, 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 them 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.

(c) The limited certificate shall be valid only as an authorization for the building code administrator, plans examiner, or inspector to continue in the position held, and to continue performing all functions assigned to that position, on July 1, 1993.

(d) A building code administrator, plans examiner, or inspector holding a limited certificate can be promoted to a position requiring a higher level certificate only upon issuance of a standard certificate or provisional certificate appropriate for such new position.

JUSTIFICATION:

Authorizes employees of public educational facilities programs, who remain in their same job, to be certificated as were the building department employees in 1993 under this same law. Educational boards have authority to provide plan review and inspections of their facilities projects, but have not been required to establish building departments. Within the new Florida Building Code are administrative procedures for building departments with the vision that the building permit, plan review and inspection process will be uniform throughout the state following one state building code. This proposal would allow employees of educational boards who were hired prior to the new requirements for certification under chapter 468 F.S., to maintain employment in the same position in the board facilities offices. This section was provided for employees of local government as well, when chapter 468 F.S., established standards for building officials.

FISCAL IMPACT:

None. This should help maintain stability of current school board, community college and university inspection departments.

PROPOSAL:

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

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. The uniform statewide building code must be entitled the State Uniform Building Code for Public Educational Facilities Construction. After January 1, 2001, the uniform statewide building code for public educational facilities will be the Florida Building Code, including specific requirements for Public Educational Facilities, and department rule. 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.

Wherever the words "Uniform Building Code" appear, they mean the "State Uniform Building Code for Public Educational Facilities Construction." or after its effective date, the Florida Building Code including the specific section provided therein for Public Educational Facilities Construction, and department rule. It is not a purpose of the 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 revising the code.

(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 State Uniform Building Code for Public Educational Facilities Construction, or after its effective date, the Florida Building Code including the specific section provided therein for Public Educational Facilities, and department rule. ~~and~~ Such plants are exempt from all other state, county, district, municipal, or local building codes, interpretations, building permits, and assessments of fees for building permits, ordinances, road closures, and impact fees or service availability fees. Any inspection by local or state government must be based on the Uniform Building Code, or after its effective date, the Florida Building Code and the specific section provided therein for Public Educational Facilities, and other requirements as prescribed by department rule. Each board shall provide for periodic inspection of the proposed educational plant during each phase of to determine compliance with the Uniform Building Code construction and after January 1, 2001, as required by the Florida Building Code.

(b) A district school board or community college district board of trustees may conform with 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 ~~Uniform Building Code~~ department rule.

(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 Uniform Building Code or after its effective date, the Florida Building Code including the specific section provided therein for Public Educational Facilities, and department rule. 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, or after its effective date, the Florida Building Code including the specific section provided therein for Public Educational Facilities, and department rule, 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 or inspectors certified under chapter 468, 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 Uniform Building Code, and after January 1, 2001, the Florida Building Code, including the specific section provided therein for Public Educational Facilities, and department rule, and to provide for the enforcement of 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 state certified 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 Uniform Building Code and after

January 1, 2001, the Florida Building Code, including the specific section provided therein for Public Educational Facilities, and department rule, may shall not be approved.

(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 Uniform Building Code standards, and after January 1, 2001, the Florida Building Code, including the specific section provided therein for Public Educational Facilities, and department rule, 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 Uniform Building Code and after January 1, 2001, the Florida Building Code, including the specific section provided therein for Public Educational Facilities, and department rule, 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 Uniform Building Code standards, and after January 1, 2001, the Florida Building Code, including the specific section provided therein for Public Educational Facilities, and department rule.
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.

(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 have final review of all questions, disputes, or interpretations involving the Uniform Building Code, and any objections to decisions made by the inspectors or the department must be submitted in writing. After January 1, 2001, the Florida Building Commission shall have final review of all questions, disputes, or interpretations involving the Florida Building Code.

(7) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.—The department shall biennially review, update, and revise the Uniform Building Code until January 1, 2001. 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 Uniform Building Code and department rule, and each amendment and revision thereto. The department shall make additional copies available to all interested persons at a price sufficient to recover costs. After January 1, 2001, the department shall review, update and revise as applicable the Public Educational Facilities section of the Florida Building Code in cycle with the Florida Building Code update. Department rule may be revised as required. Copies of the Florida Building Code may be obtained from the Department of Community Affairs.

(8) LEGAL EFFECT OF CODE.—The State Uniform Building Code for Public Educational Facilities Construction, and after January 1, 2001, the Florida Building Code, including the specific section provided therein for Public Educational Facilities, and department rule, 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.

(9) EDUCATION FACILITIES AS EMERGENCY SHELTERS.—

(a) The Department of Education shall, in consultation with boards and county and state emergency management offices, amend the State Uniform Building Code for Public Educational Facilities Construction and after January 1, 2001, the Florida Building Code, including the specific section provided therein for Public Educational Facilities, and department rule, to incorporate public shelter design criteria into the ~~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.

(10) 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.

Attachment 9

Recommendations and Report for Funding Ad Hoc:

- The committee met Saturday, February 12, 2000 to discuss funding of the Commission's responsibilities relative to implementation of the Florida Building Code.
- The first item discussed was the reformulation of the building permit surcharge.
This issue was brought to the Commission at the request of the Department of Business and Professional Regulation which shares revenues from the surcharge with the Department of Community Affairs.
DBPR has decided now **not to pursue** legislative changes on the permit surcharge this year.
No action is required by the Commission at this time.
- The second item discussed was funding for the product approval system mandated by statute.
The law does not currently authorize the collection of fees to fund the administration of this responsibility.
Chairman Rodriguez talked with the Governor about support for new fee authority to administer this responsibility and the Governor's response was that he would support fees under certain conditions.
The Ad Hoc committee's recommendation is that the Commission seek fee collection authority specific to approval of products in its legislative package for the 2000 legislative session..
- The third issue discussed by the committee was development of the training and education program to support the building code.
The law establishes the building code training program within the building code act but does not address funding other than to say that it is to be self supporting and cost effective.
The Commission's immediate responsibilities for developing the "core curricula courses" which all licensees must take within 2 years are being taken care of via grants and cash reserves but the long range program is left without a definitive funding plan.
The committee recommends that the Commission include in its report to the Legislature a recommendation that the Commission together with stakeholder groups will develop a plan for the long range training and education program on building codes to be presented to the Legislature in 2001.

The Commission, by unanimous consent, moved to adopt the Ad Hoc's report and recommendations as presented.

Attachment 10

Manufactured and Prototype Buildings Recommendations

Statutory Revision as per Committee Recommendation

Incorporate Florida Building Code and Florida Fire Prevention Code

Repeal 553.38(1)

Create Section 553.355

Miscellaneous Amendments to 553.36

Provide specific statutory authority to provide by rule for qualifications and standards for inspection (and plan review) entities and those performing plans review and inspection of manufactured buildings:

Add 553.37(1)(c)

Provide specific authority to investigate and respond to consumer complaints:

Add 553.37(1)(d)

Amend 553.39

Provide authority to delegate plans review authority (and provide for by rule the qualifications of and standards for plans review entities and those performing review).

See 553.37(1)(c)

Amend 553.37(8)

Amend component to provide for application of product approval system and limit application of these provisions to three-dimensional systems.

Amend 553.36(5)

- * Amendments necessitated by State Agency Ad Hoc review, concluding that codes and standards to be developed by Florida Building Commission, Department of Community Affairs to administer program, included in text as amendments.

PART IV
FACTORY BUILT HOUSING

553.355 Construction Requirements.

Effective January 1, 2001, the Florida Building Code as adopted by the Florida Building Commission and the Florida Fire Prevention Code shall be the minimum construction requirements for the manufacture, design, construction, erection, alteration, alteration, modification, repair and demolition of manufactured buildings.

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 as administered by the 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 ~~standards adopted by the department pursuant to this part~~ Florida Building Code and to label such units complying with those standards.”

(3) “Closed construction” means that condition when any building, component, assembly, subassembly, or system is manufactured in such a manner that all portions cannot be readily inspected at the installation site without disassembly or destruction thereof.

(4) “Open construction” means any building, building component, assembly, or system manufactured in such a manner that all portions can be readily inspected at the building site without disassembly thereof, damage thereto, or destruction thereof.

(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 which incorporate elements of a building subject to the product approval system adopted pursuant to section 553.842, Florida Statutes, shall be subject to approval in

accordance with the product approval system upon implementation thereof and not subject to the rules adopted pursuant to this part. Components to which the rules adopted by this part shall apply are limited to three-dimensional systems for use as part of a building.

(6) “Department” means the Department of Community Affairs.

(7) “Insignia” means an approved device or seal issued by the department to indicate compliance with the standards and rules established pursuant to this part.

(8) “Install” means the assembly of a manufactured building component or system on site and the process of affixing a manufactured building component or system to land, a foundation, or an existing building, and service connections which are a part thereof.

(9) “Local government” means any municipality, county, district, or combination thereof comprising a governmental unit.

(10) “Manufacture” means the process of making, fabricating, constructing, forming, or assembling a product from raw, unfinished, semifinished, or finished materials.

(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. This part does not apply to mobile homes. Manufactured buildings 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.

(12) “Mobile home” means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development.

(13) “Site” is the location on which a manufactured building is installed or is to be installed.

(14) “System” means structural, plumbing, mechanical, heating, electrical, or ventilating elements, materials, or components combined for use in a building.

History.—s.2, ch.71-172; s.1, ch.74-208; s..3, ch.76-168; s.1, ch. 77-457; ss 1, 6, ch.79-152; s.76, ch . 8 1-167; ss.2,3, ch.81-318; s.79, ch. 83-55; ss.. 3, 4, ch. 84-32; s.4, ch. 91-429.

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~~ The Florida Building Commission shall adopt rules in accordance with chapter 120 setting provide requirements for construction or modification of manufactured buildings and building modules within the Florida Building Code to address:

(a) Submittal to and approval by the department of manufacturer’s 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 plans review and inspection entities, and those performing inspections and plans review.

(d) Investigation of consumer complaints of noncompliance of manufactured buildings with the Florida Building Code and the Florida Fire Prevention Code.

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

(f) 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 (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.

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

(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 ~~rules of the department~~ Florida Building Code.

(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.

(6) If the ~~department~~ Florida Building Commission determines that the standards for construction and inspection of manufactured buildings prescribed by statute or rule of another state are at least equal to ~~rules prescribed under this part~~ the Florida Building Code 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 ~~department~~ Florida Building Commission, 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.

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

(9) Custom or one-of-a-kind prototype manufactured buildings shall not be required to have state approval but must comply with all local requirements of the governmental agency having jurisdiction at the installation site.

History.—s.3, ch.71-172; s.1, ch. 74-208; s.3, ch. 76-168; s.1, ch. 77-457; ss. 1, 6, ch. 79-152; ss. 1, 4, ch. 80-86; ss. 2, 3, ch. 81-318; ss. 1, 3, 4, ch. 84-32; s. 4, ch. 91-429; s. 1, ch. 98-145.

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 this part and the rules adopted pursuant thereto, 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.

History.—s.4, ch. 71-172; s. 1, ch. 74-208; s. 3 ch. 76-168; s. 1, ch. 77-457; s. 3, ch. 78-323; ss. 1, 6, ch. 79-152; ss. 2, 4, ch. 80-86; ss. 2, 3, ch. 81- 318; ss. 3, 4, ch. 84-32; s. 4, ch. 91-429.

553.381 Manufacturer certification; product liability insurance as a prerequisite.—As a prerequisite to obtaining approval to produce manufactured buildings for sale in the state, the manufacturer must submit evidence that she or he has product liability insurance for the safety and welfare of the public in amounts determined by rule of the department.

History.—ss.2, 4, ch.84-32; s. 4, ch. 91-429; s. 802, ch. 97-103.

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 rules issued pursuant thereto or to enjoin the sale, delivery, or installation of a manufactured building, or require the removal of a manufactured building, upon an affidavit specifying the manner in which the building does not conform to the Florida Building Code, the Florida Fire Prevention Code, the requirements of this part or to rules issued pursuant thereto. Noncompliance with the Florida Building Code, the Florida Fire Prevention Code, 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.

History. —s.6, ch. 71-172; s. 1 ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 79-152; ss/3, 4, ch. 80-96; ss. 2, 3, ch. 81-318; ss. 3, 4, ch. 84-32; s. 146, ch. 91-224; s. 4, ch. 91-429.

553.41 Penalties. – Any person who violates any of the provisions of this part is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 5A, ch. 71-172; s. 1, ch. 74-208; s. 3 ch. 76-168; s. 1. Ch. 77-457; ss. 1, 6, ch. 79-152;

553.42 Legislative intent.—Nothing herein shall act to nullify or supersede the provisions of chapter 527 relating to sale, use, or storage of liquefied petroleum gas, except that inspections made pursuant to chapter 527 shall be made at the place of manufacturer.

History.—s. 7, ch. 71-172; s. 1, ch. 74-208; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 1, 6, ch. 79-152; ss. 2, 3, ch. 81-318; ss. 3, 4, ch. 84-32; s. 4, ch. 91-429.

Retitle Chapter:

Chapter 553:

PART IV
FACTORY-BUILT HOUSING
MANUFACTURED BUILDINGS

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

...

(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. This part does not apply to ~~mobile homes~~ **"manufactured housing" as defined at 42 U.S.C., s. 5402(6), which shall be regulated pursuant to Chapter 320, Florida Statutes as "mobile homes" defined therein.** ~~Manufactured buildings 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.~~

~~(12) "Mobile home" means any residential unit constructed to standards promulgated by the United States Department of Housing and Urban Development.~~

(12) "Module" means a separately transported three dimensional component of a manufactured building containing all or a portion of structural systems, electrical systems, plumbing systems, mechanical systems, fire systems and thermal systems.

...

To be added in Part VII, 553.71(9)

"Prototype building" means buildings constructed in accordance with architectural or engineering plans intended for use 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 the physically disabled which are in effect at the time a construction contract is to be awarded.

553.37 Rules; inspections; and insignia.

(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/structures that meet the definition of “open construction” shall be subject to permitting by the local jurisdiction and not required to bear insignia.

553.381 ~~Manufacturer certification; product liability insurance as a prerequisite. As a prerequisite to obtaining approval to produce manufactured buildings for sale in the state, the manufacturer must submit~~

(1) Prior to manufacturing buildings to be located within the State of Florida or the sale of manufactured buildings within the State of Florida, whichever is later, a manufacturer shall 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 ~~he or she~~ has the manufacturer has product liability insurance for the safety and welfare of the public in amounts determined by rule of the ~~department~~ Commission;

(c) The fee established by the Commission pursuant to s. 553.37(7)

(2) The Commission may revoke any certification granted upon the failure of the manufacturer to comply with the Florida Building Code or this part.

(3) Certification of manufacturers hereunder shall be for a period of three years, subject to renewal by the manufacturer. Upon application for renewal, the manufacturer shall submit the information identified above 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.

Add 2 new sections to 553.37 before subsection (9);

In the event that the Commission delegates its inspection authority to third- party approved inspection agencies, manufacturers shall be required to have one, and only one, inspection agency responsible for inspection of a manufactured building, module or component at all times.

In the event that the Commission delegates its inspection authority to third-party approved plans review agencies, manufacturers shall be required to have one, and only one, plans review agency responsible for review of plans of a manufactured building, module or component at all times.

New Issue #4, Monitoring;

Add subsection to 553.37(1)

. . . to address:

. . . Monitoring the manufacturers, inspection entities and plans 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 on-site inspections of buildings.

New Issues, Recertification of Used Manufactured Buildings

Add New Section;

553.375 Recertification of Manufactured Buildings. -- Prior to 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 is necessary for submittal by the applicant for recertification, for plans review and inspection of such manufactured buildings, and establish fees for recertification. Upon a determination by the Department that the manufactured building complies with the the applicable building codes, the department shall issue a recertification insignia. A manufactured building bearing recertificaton insignia shall not require any additional approval by an enforcement jurisdiction in which they are sold or installed and be deemed 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 certificate of occupancy from the local jurisdiction in accordance with procedures generally applicable pursuant to the Florida Building Code.