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CS/HB 1A, Engrossed 1/c

2007 Legislature

1233 (c) Causes to be prepared annually a fiscal year-end
 1234 financial statement based upon generally accepted accounting
 1235 principles and audited by an independent certified public
 1236 accountant within 6 months after the end of the fiscal year.

1237 (d) Has a governing body comprised entirely of member
 1238 entities whose representatives on such governing body are
 1239 specified by the organizational documents of the alliance.

1240 (2) For purposes of this section, the term:

1241 (a) "Alliance" means a corporation, association, limited
 1242 liability company, or partnership or any other legal entity
 1243 formed by a group of eligible entities.

1244 (b) "Property coverage" means property coverage provided
 1245 by self-insurance or insurance for real or personal property of
 1246 every kind and every interest in such property against loss or
 1247 damage from any hazard or cause and against any loss
 1248 consequential to such loss or damage.

1249 (3) An alliance that meets the requirements of this
 1250 section is not subject to any provision of the Insurance Code.

1251 (4) An alliance that meets the requirements of this
 1252 section is not an insurer for purposes of participation in or
 1253 coverage by the Florida Insurance Guaranty Association
 1254 established in part II of chapter 631. Alliance self-insured
 1255 coverage is not subject to insurance premium tax, and any such
 1256 alliance formed pursuant to this section may not be assessed for
 1257 purposes of s. 627.351 or s. 215.555.

1258 Section 7. Section 553.73, Florida Statutes, is amended to
 1259 read:

1260 553.73 Florida Building Code.--

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1261 (1) (a) The commission shall adopt, by rule pursuant to ss.
 1262 120.536(1) and 120.54, the Florida Building Code which shall
 1263 contain or incorporate by reference all laws and rules which
 1264 pertain to and govern the design, construction, erection,
 1265 alteration, modification, repair, and demolition of public and
 1266 private buildings, structures, and facilities and enforcement of
 1267 such laws and rules, except as otherwise provided in this
 1268 section.

1269 (b) The technical portions of the Florida Accessibility
 1270 Code for Building Construction shall be contained in their
 1271 entirety in the Florida Building Code. The civil rights portions
 1272 and the technical portions of the accessibility laws of this
 1273 state shall remain as currently provided by law. Any revision or
 1274 amendments to the Florida Accessibility Code for Building
 1275 Construction pursuant to part II shall be considered adopted by
 1276 the commission as part of the Florida Building Code. Neither the
 1277 commission nor any local government shall revise or amend any
 1278 standard of the Florida Accessibility Code for Building
 1279 Construction except as provided for in part II.

1280 (c) The Florida Fire Prevention Code and the Life Safety
 1281 Code shall be referenced in the Florida Building Code, but shall
 1282 be adopted, modified, revised, or amended, interpreted, and
 1283 maintained by the Department of Financial Services by rule
 1284 adopted pursuant to ss. 120.536(1) and 120.54. The Florida
 1285 Building Commission may not adopt a fire prevention or
 1286 lifesafety code, and nothing in the Florida Building Code shall
 1287 affect the statutory powers, duties, and responsibilities of any
 1288 fire official or the Department of Financial Services.

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1289 (d) Conflicting requirements between the Florida Building
 1290 Code and the Florida Fire Prevention Code and Life Safety Code
 1291 of the state established pursuant to ss. 633.022 and 633.025
 1292 shall be resolved by agreement between the commission and the
 1293 State Fire Marshal in favor of the requirement that offers the
 1294 greatest degree of lifesafety or alternatives that would provide
 1295 an equivalent degree of lifesafety and an equivalent method of
 1296 construction. If the commission and State Fire Marshal are
 1297 unable to agree on a resolution, the question shall be referred
 1298 to a mediator, mutually agreeable to both parties, to resolve
 1299 the conflict in favor of the provision that offers the greatest
 1300 lifesafety, or alternatives that would provide an equivalent
 1301 degree of lifesafety and an equivalent method of construction.

1302 (e) Subject to the provisions of this act, responsibility
 1303 for enforcement, interpretation, and regulation of the Florida
 1304 Building Code shall be vested in a specified local board or
 1305 agency, and the words "local government" and "local governing
 1306 body" as used in this part shall be construed to refer
 1307 exclusively to such local board or agency.

1308 (2) The Florida Building Code shall contain provisions or
 1309 requirements for public and private buildings, structures, and
 1310 facilities relative to structural, mechanical, electrical,
 1311 plumbing, energy, and gas systems, existing buildings,
 1312 historical buildings, manufactured buildings, elevators, coastal
 1313 construction, lodging facilities, food sales and food service
 1314 facilities, health care facilities, including assisted living
 1315 facilities, adult day care facilities, hospice residential and
 1316 inpatient facilities and units, and facilities for the control

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1317 of radiation hazards, public or private educational facilities,
 1318 swimming pools, and correctional facilities and enforcement of
 1319 and compliance with such provisions or requirements. Further,
 1320 the Florida Building Code must provide for uniform
 1321 implementation of ss. 515.25, 515.27, and 515.29 by including
 1322 standards and criteria for residential swimming pool barriers,
 1323 pool covers, latching devices, door and window exit alarms, and
 1324 other equipment required therein, which are consistent with the
 1325 intent of s. 515.23. Technical provisions to be contained within
 1326 the Florida Building Code are restricted to requirements related
 1327 to the types of materials used and construction methods and
 1328 standards employed in order to meet criteria specified in the
 1329 Florida Building Code. Provisions relating to the personnel,
 1330 supervision or training of personnel, or any other professional
 1331 qualification requirements relating to contractors or their
 1332 workforce may not be included within the Florida Building Code,
 1333 and subsections (4), (5), (6), ~~and (7)~~, and (8) are not to be
 1334 construed to allow the inclusion of such provisions within the
 1335 Florida Building Code by amendment. This restriction applies to
 1336 both initial development and amendment of the Florida Building
 1337 Code.

1338 (3) The commission shall select from available national or
 1339 international model building codes, or other available building
 1340 codes and standards currently recognized by the laws of this
 1341 state, to form the foundation for the Florida Building Code. The
 1342 commission may modify the selected model codes and standards as
 1343 needed to accommodate the specific needs of this state.
 1344 Standards or criteria referenced by the selected model codes

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1345 shall be similarly incorporated by reference. If a referenced
 1346 standard or criterion requires amplification or modification to
 1347 be appropriate for use in this state, only the amplification or
 1348 modification shall be specifically set forth in the Florida
 1349 Building Code. The Florida Building Commission may approve
 1350 technical amendments to the code, subject to the requirements of
 1351 subsections (7) and (8), after the amendments have been subject
 1352 to the following conditions:

1353 (a) The proposed amendment has been published on the
 1354 commission's website for a minimum of 45 days and all the
 1355 associated documentation has been made available to any
 1356 interested party before any consideration by any Technical
 1357 Advisory Committee;

1358 (b) In order for a Technical Advisory Committee to make a
 1359 favorable recommendation to the commission, the proposal must
 1360 receive a three-fourths vote of the members present at the
 1361 Technical Advisory Committee meeting and at least half of the
 1362 regular members must be present in order to conduct a meeting;

1363 (c) After Technical Advisory Committee consideration and a
 1364 recommendation for approval of any proposed amendment, the
 1365 proposal must be published on the commission's website for not
 1366 less than 45 days before any consideration by the commission;
 1367 and

1368 (d) Any proposal may be modified by the commission based
 1369 on public testimony and evidence from a public hearing held in
 1370 accordance with chapter 120.

1371
 1372 The commission shall incorporate within sections of the Florida

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CS/HB 1A, Engrossed 1/c

2007 Legislature

1373 Building Code provisions which address regional and local
 1374 concerns and variations. The commission shall make every effort
 1375 to minimize conflicts between the Florida Building Code, the
 1376 Florida Fire Prevention Code, and the Life Safety Code.

1377 (4) (a) All entities authorized to enforce the Florida
 1378 Building Code pursuant to s. 553.80 shall comply with applicable
 1379 standards for issuance of mandatory certificates of occupancy,
 1380 minimum types of inspections, and procedures for plans review
 1381 and inspections as established by the commission by rule. Local
 1382 governments may adopt amendments to the administrative
 1383 provisions of the Florida Building Code, subject to the
 1384 limitations of this paragraph. Local amendments shall be more
 1385 stringent than the minimum standards described herein and shall
 1386 be transmitted to the commission within 30 days after enactment.

1387 The local government shall make such amendments available to
 1388 the general public in a usable format. The State Fire Marshal
 1389 is responsible for establishing the standards and procedures
 1390 required in this paragraph for governmental entities with
 1391 respect to applying the Florida Fire Prevention Code and the
 1392 Life Safety Code.

1393 (b) Local governments may, subject to the limitations of
 1394 this section, adopt amendments to the technical provisions of
 1395 the Florida Building Code which apply solely within the
 1396 jurisdiction of such government and which provide for more
 1397 stringent requirements than those specified in the Florida
 1398 Building Code, not more than once every 6 months. A local
 1399 government may adopt technical amendments that address local
 1400 needs if:

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1401 1. The local governing body determines, following a public
1402 hearing which has been advertised in a newspaper of general
1403 circulation at least 10 days before the hearing, that there is a
1404 need to strengthen the requirements of the Florida Building
1405 Code. The determination must be based upon a review of local
1406 conditions by the local governing body, which review
1407 demonstrates by evidence or data that the geographical
1408 jurisdiction governed by the local governing body exhibits a
1409 local need to strengthen the Florida Building Code beyond the
1410 needs or regional variation addressed by the Florida Building
1411 Code, that the local need is addressed by the proposed local
1412 amendment, and that the amendment is no more stringent than
1413 necessary to address the local need.

1414 2. Such additional requirements are not discriminatory
1415 against materials, products, or construction techniques of
1416 demonstrated capabilities.

1417 3. Such additional requirements may not introduce a new
1418 subject not addressed in the Florida Building Code.

1419 4. The enforcing agency shall make readily available, in a
1420 usable format, all amendments adopted pursuant to this section.

1421 5. Any amendment to the Florida Building Code shall be
1422 transmitted within 30 days by the adopting local government to
1423 the commission. The commission shall maintain copies of all
1424 such amendments in a format that is usable and obtainable by the
1425 public. Local technical amendments shall not become effective
1426 until 30 days after the amendment has been received and
1427 published by the commission.

1428 6. Any amendment to the Florida Building Code adopted by a

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1429 local government pursuant to this paragraph shall be effective
 1430 only until the adoption by the commission of the new edition of
 1431 the Florida Building Code every third year. At such time, the
 1432 commission shall review such amendment for consistency with the
 1433 criteria in paragraph (8) (a) ~~(7) (a)~~ and adopt such amendment as
 1434 part of the Florida Building Code or rescind the amendment. The
 1435 commission shall immediately notify the respective local
 1436 government of the rescission of any amendment. After receiving
 1437 such notice, the respective local government may readopt the
 1438 rescinded amendment pursuant to the provisions of this
 1439 paragraph.

1440 7. Each county and municipality desiring to make local
 1441 technical amendments to the Florida Building Code shall by
 1442 interlocal agreement establish a countywide compliance review
 1443 board to review any amendment to the Florida Building Code,
 1444 adopted by a local government within the county pursuant to this
 1445 paragraph, that is challenged by any substantially affected
 1446 party for purposes of determining the amendment's compliance
 1447 with this paragraph. If challenged, the local technical
 1448 amendments shall not become effective until time for filing an
 1449 appeal pursuant to subparagraph 8. has expired or, if there is
 1450 an appeal, until the commission issues its final order
 1451 determining the adopted amendment is in compliance with this
 1452 subsection.

1453 8. If the compliance review board determines such
 1454 amendment is not in compliance with this paragraph, the
 1455 compliance review board shall notify such local government of
 1456 the noncompliance and that the amendment is invalid and

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1457 unenforceable until the local government corrects the amendment
1458 to bring it into compliance. The local government may appeal the
1459 decision of the compliance review board to the commission. If
1460 the compliance review board determines such amendment to be in
1461 compliance with this paragraph, any substantially affected party
1462 may appeal such determination to the commission. Any such appeal
1463 shall be filed with the commission within 14 days of the board's
1464 written determination. The commission shall promptly refer the
1465 appeal to the Division of Administrative Hearings for the
1466 assignment of an administrative law judge. The administrative
1467 law judge shall conduct the required hearing within 30 days, and
1468 shall enter a recommended order within 30 days of the conclusion
1469 of such hearing. The commission shall enter a final order within
1470 30 days thereafter. The provisions of chapter 120 and the
1471 uniform rules of procedure shall apply to such proceedings. The
1472 local government adopting the amendment that is subject to
1473 challenge has the burden of proving that the amendment complies
1474 with this paragraph in proceedings before the compliance review
1475 board and the commission, as applicable. Actions of the
1476 commission are subject to judicial review pursuant to s. 120.68.
1477 The compliance review board shall determine whether its
1478 decisions apply to a respective local jurisdiction or apply
1479 countywide.

1480 9. An amendment adopted under this paragraph shall include
1481 a fiscal impact statement which documents the costs and benefits
1482 of the proposed amendment. Criteria for the fiscal impact
1483 statement shall include the impact to local government relative
1484 to enforcement, the impact to property and building owners, as

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1485 well as to industry, relative to the cost of compliance. The
1486 fiscal impact statement may not be used as a basis for
1487 challenging the amendment for compliance.

1488 10. In addition to subparagraphs 7. and 9., the
1489 commission may review any amendments adopted pursuant to this
1490 subsection and make nonbinding recommendations related to
1491 compliance of such amendments with this subsection.

1492 (c) Any amendment adopted by a local enforcing agency
1493 pursuant to this subsection shall not apply to state or school
1494 district owned buildings, manufactured buildings or factory-
1495 built school buildings approved by the commission, or prototype
1496 buildings approved pursuant to s. 553.77(3). The respective
1497 responsible entities shall consider the physical performance
1498 parameters substantiating such amendments when designing,
1499 specifying, and constructing such exempt buildings.

1500 (5) The initial adoption of, and any subsequent update or
1501 amendment to, the Florida Building Code by the commission is
1502 deemed adopted for use statewide without adoptions by local
1503 government. For a building permit for which an application is
1504 submitted prior to the effective date of the Florida Building
1505 Code, the state minimum building code in effect in the
1506 permitting jurisdiction on the date of the application governs
1507 the permitted work for the life of the permit and any extension
1508 granted to the permit.

1509 (6) (a) The commission, by rule adopted pursuant to ss.
1510 120.536(1) and 120.54, shall update the Florida Building Code
1511 every 3 years. When updating the Florida Building Code, the
1512 commission shall select the most current version of the

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1513 International Building Code, the International Fuel Gas Code,
 1514 the International Mechanical Code, the International Plumbing
 1515 Code, and the International Residential Code, all of which are
 1516 adopted by the International Code Council, and the National
 1517 Electrical Code, which is adopted by the National Fire
 1518 Protection Association, to form the foundation codes of the
 1519 updated Florida Building Code, if the version has been adopted
 1520 by the applicable model code entity and made available to the
 1521 public at least 6 months prior to its selection by the
 1522 commission.

1523 (b) Codes regarding noise contour lines shall be reviewed
 1524 annually, and the most current federal guidelines shall be
 1525 adopted.

1526 (c) The commission may modify any portion of the
 1527 foundation codes only as needed to accommodate the specific
 1528 needs of this state, maintaining Florida-specific amendments
 1529 previously adopted by the commission and not addressed by the
 1530 updated foundation code. Standards or criteria referenced by the
 1531 codes shall be incorporated by reference. If a referenced
 1532 standard or criterion requires amplification or modification to
 1533 be appropriate for use in this state, only the amplification or
 1534 modification shall be set forth in the Florida Building Code.
 1535 The commission may approve technical amendments to the updated
 1536 Florida Building Code after the amendments have been subject to
 1537 the conditions set forth in paragraphs (3) (a) - (d). Amendments to
 1538 the foundation codes which are adopted in accordance with this
 1539 subsection shall be clearly marked in printed versions of the
 1540 Florida Building Code so that the fact that the provisions are

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1541 Florida-specific amendments to the foundation codes is readily
 1542 apparent.

1543 (d) The commission shall further consider the commission's
 1544 own interpretations, declaratory statements, appellate
 1545 decisions, and approved statewide and local technical amendments
 1546 and shall incorporate such interpretations, statements,
 1547 decisions, and amendments into the updated Florida Building Code
 1548 only to the extent that they are needed to modify the foundation
 1549 codes to accommodate the specific needs of the state. A change
 1550 made by an institute or standards organization to any standard
 1551 or criterion that is adopted by reference in the Florida
 1552 Building Code does not become effective statewide until it has
 1553 been adopted by the commission. Furthermore, the edition of the
 1554 Florida Building Code which is in effect on the date of
 1555 application for any permit authorized by the code governs the
 1556 permitted work for the life of the permit and any extension
 1557 granted to the permit.

1558 (e) A rule updating the Florida Building Code in
 1559 accordance with this subsection shall take effect no sooner than
 1560 6 months after publication of the updated code. Any amendment to
 1561 the Florida Building Code which is adopted upon a finding by the
 1562 commission that the amendment is necessary to protect the public
 1563 from immediate threat of harm takes effect immediately.

1564 (f) Provisions of the foundation codes, including those
 1565 contained in referenced standards and criteria, relating to wind
 1566 resistance or the prevention of water intrusion may not be
 1567 modified to diminish those construction requirements; however,
 1568 the commission may, subject to conditions in this subsection,

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1569 modify the provisions to enhance those construction
 1570 requirements.

1571 (7) ~~(f)~~ Upon the conclusion of a triennial update to the
 1572 Florida Building Code, notwithstanding the provisions of this
 1573 subsection or subsection (3) or subsection (6), the commission
 1574 may address issues identified in this subsection paragraph by
 1575 amending the code pursuant only to the rule adoption procedures
 1576 contained in chapter 120. Provisions of the Florida Building
 1577 Code, including those contained in referenced standards and
 1578 criteria, relating to wind resistance or the prevention of water
 1579 intrusion may not be amended pursuant to this subsection to
 1580 diminish those construction requirements; however, the
 1581 commission may, subject to conditions in this subsection, amend
 1582 the provisions to enhance those construction requirements.

1583 Following the approval of any amendments to the Florida Building
 1584 Code by the commission and publication of the amendments on the
 1585 commission's website, authorities having jurisdiction to enforce
 1586 the Florida Building Code may enforce the amendments. The
 1587 commission may approve amendments that are needed to address:

- 1588 (a) ~~1.~~ Conflicts within the updated code;
- 1589 (b) ~~2.~~ Conflicts between the updated code and the Florida
 1590 Fire Prevention Code adopted pursuant to chapter 633;
- 1591 (c) ~~3.~~ The omission of previously adopted Florida-specific
 1592 amendments to the updated code if such omission is not supported
 1593 by a specific recommendation of a technical advisory committee
 1594 or particular action by the commission; or
- 1595 (d) ~~4.~~ Unintended results from the integration of
 1596 previously adopted Florida-specific amendments with the model

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1597 code.

1598 ~~(8)~~(7)(a) The commission may approve technical amendments

1599 to the Florida Building Code once each year for statewide or

1600 regional application upon a finding that the amendment:

1601 1. Is needed in order to accommodate the specific needs of

1602 this state.

1603 2. Has a reasonable and substantial connection with the

1604 health, safety, and welfare of the general public.

1605 3. Strengthens or improves the Florida Building Code, or

1606 in the case of innovation or new technology, will provide

1607 equivalent or better products or methods or systems of

1608 construction.

1609 4. Does not discriminate against materials, products,

1610 methods, or systems of construction of demonstrated

1611 capabilities.

1612 5. Does not degrade the effectiveness of the Florida

1613 Building Code.

1614

1615 Furthermore, the Florida Building Commission may approve

1616 technical amendments to the code once each year to incorporate

1617 into the Florida Building Code its own interpretations of the

1618 code which are embodied in its opinions, final orders,

1619 declaratory statements, and interpretations of hearing officer

1620 panels under s. 553.775(3)(c), but shall do so only to the

1621 extent that incorporation of interpretations is needed to modify

1622 the foundation codes to accommodate the specific needs of this

1623 state. Amendments approved under this paragraph shall be adopted

1624 by rule pursuant to ss. 120.536(1) and 120.54, after the

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1625 amendments have been subjected to the provisions of subsection
1626 (3).

1627 (b) A proposed amendment shall include a fiscal impact
1628 statement which documents the costs and benefits of the proposed
1629 amendment. Criteria for the fiscal impact statement shall be
1630 established by rule by the commission and shall include the
1631 impact to local government relative to enforcement, the impact
1632 to property and building owners, as well as to industry,
1633 relative to the cost of compliance.

1634 (c) The commission may not approve any proposed amendment
1635 that does not accurately and completely address all requirements
1636 for amendment which are set forth in this section. The
1637 commission shall require all proposed amendments and information
1638 submitted with proposed amendments to be reviewed by commission
1639 staff prior to consideration by any technical advisory
1640 committee. These reviews shall be for sufficiency only and are
1641 not intended to be qualitative in nature. Staff members shall
1642 reject any proposed amendment that fails to include a fiscal
1643 impact statement. Proposed amendments rejected by members of the
1644 staff may not be considered by the commission or any technical
1645 advisory committee.

1646 (d) Provisions of the Florida Building Code, including
1647 those contained in referenced standards and criteria, relating
1648 to wind resistance or the prevention of water intrusion may not
1649 be amended pursuant to this subsection to diminish those
1650 construction requirements; however, the commission may, subject
1651 to conditions in this subsection, amend the provisions to
1652 enhance those construction requirements.

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1653 (9)~~(8)~~ The following buildings, structures, and facilities
1654 are exempt from the Florida Building Code as provided by law,
1655 and any further exemptions shall be as determined by the
1656 Legislature and provided by law:

1657 (a) Buildings and structures specifically regulated and
1658 preempted by the Federal Government.

1659 (b) Railroads and ancillary facilities associated with the
1660 railroad.

1661 (c) Nonresidential farm buildings on farms.

1662 (d) Temporary buildings or sheds used exclusively for
1663 construction purposes.

1664 (e) Mobile or modular structures used as temporary
1665 offices, except that the provisions of part II relating to
1666 accessibility by persons with disabilities shall apply to such
1667 mobile or modular structures.

1668 (f) Those structures or facilities of electric utilities,
1669 as defined in s. 366.02, which are directly involved in the
1670 generation, transmission, or distribution of electricity.

1671 (g) Temporary sets, assemblies, or structures used in
1672 commercial motion picture or television production, or any
1673 sound-recording equipment used in such production, on or off the
1674 premises.

1675 (h) Storage sheds that are not designed for human
1676 habitation and that have a floor area of 720 square feet or less
1677 are not required to comply with the mandatory wind-borne-debris-
1678 impact standards of the Florida Building Code.

1679 (i) Chickees constructed by the Miccosukee Tribe of
1680 Indians of Florida or the Seminole Tribe of Florida. As used in

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1681 this paragraph, the term "chickee" means an open-sided wooden
 1682 hut that has a thatched roof of palm or palmetto or other
 1683 traditional materials, and that does not incorporate any
 1684 electrical, plumbing, or other nonwood features.

1685
 1686 With the exception of paragraphs (a), (b), (c), and (f), in
 1687 order to preserve the health, safety, and welfare of the public,
 1688 the Florida Building Commission may, by rule adopted pursuant to
 1689 chapter 120, provide for exceptions to the broad categories of
 1690 buildings exempted in this section, including exceptions for
 1691 application of specific sections of the code or standards
 1692 adopted therein. The Department of Agriculture and Consumer
 1693 Services shall have exclusive authority to adopt by rule,
 1694 pursuant to chapter 120, exceptions to nonresidential farm
 1695 buildings exempted in paragraph (c) when reasonably necessary to
 1696 preserve public health, safety, and welfare. The exceptions must
 1697 be based upon specific criteria, such as under-roof floor area,
 1698 aggregate electrical service capacity, HVAC system capacity, or
 1699 other building requirements. Further, the commission may
 1700 recommend to the Legislature additional categories of buildings,
 1701 structures, or facilities which should be exempted from the
 1702 Florida Building Code, to be provided by law.

1703 (10)~~(9)~~(a) In the event of a conflict between the Florida
 1704 Building Code and the Florida Fire Prevention Code and the Life
 1705 Safety Code as applied to a specific project, the conflict shall
 1706 be resolved by agreement between the local building code
 1707 enforcement official and the local fire code enforcement
 1708 official in favor of the requirement of the code which offers

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1709 the greatest degree of lifesafety or alternatives which would
 1710 provide an equivalent degree of lifesafety and an equivalent
 1711 method of construction.

1712 (b) Any decision made by the local fire official and the
 1713 local building official may be appealed to a local
 1714 administrative board designated by the municipality, county, or
 1715 special district having firesafety responsibilities. If the
 1716 decision of the local fire official and the local building
 1717 official is to apply the provisions of either the Florida
 1718 Building Code or the Florida Fire Prevention Code and the Life
 1719 Safety Code, the board may not alter the decision unless the
 1720 board determines that the application of such code is not
 1721 reasonable. If the decision of the local fire official and the
 1722 local building official is to adopt an alternative to the codes,
 1723 the local administrative board shall give due regard to the
 1724 decision rendered by the local officials and may modify that
 1725 decision if the administrative board adopts a better
 1726 alternative, taking into consideration all relevant
 1727 circumstances. In any case in which the local administrative
 1728 board adopts alternatives to the decision rendered by the local
 1729 fire official and the local building official, such alternatives
 1730 shall provide an equivalent degree of lifesafety and an
 1731 equivalent method of construction as the decision rendered by
 1732 the local officials.

1733 (c) If the local building official and the local fire
 1734 official are unable to agree on a resolution of the conflict
 1735 between the Florida Building Code and the Florida Fire
 1736 Prevention Code and the Life Safety Code, the local

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1737 administrative board shall resolve the conflict in favor of the
 1738 code which offers the greatest degree of lifesafety or
 1739 alternatives which would provide an equivalent degree of
 1740 lifesafety and an equivalent method of construction.

1741 (d) All decisions of the local administrative board, or if
 1742 none exists, the decisions of the local building official and
 1743 the local fire official, are subject to review by a joint
 1744 committee composed of members of the Florida Building Commission
 1745 and the Fire Code Advisory Council. If the joint committee is
 1746 unable to resolve conflicts between the codes as applied to a
 1747 specific project, the matter shall be resolved pursuant to the
 1748 provisions of paragraph (1) (d).

1749 (e) The local administrative board shall, to the greatest
 1750 extent possible, be composed of members with expertise in
 1751 building construction and firesafety standards.

1752 (f) All decisions of the local building official and local
 1753 fire official and all decisions of the administrative board
 1754 shall be in writing and shall be binding upon all persons but
 1755 shall not limit the authority of the State Fire Marshal or the
 1756 Florida Building Commission pursuant to paragraph (1) (d) and ss.
 1757 663.01 and 633.161. Decisions of general application shall be
 1758 indexed by building and fire code sections and shall be
 1759 available for inspection during normal business hours.

1760 (11)~~(10)~~ Except within coastal building zones as defined
 1761 in s. 161.54, specification standards developed by nationally
 1762 recognized code promulgation organizations to determine
 1763 compliance with engineering criteria of the Florida Building
 1764 Code for wind load design shall not apply to one or two family

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

1765 dwellings which are two stories or less in height unless
 1766 approved by the commission for use or unless expressly made
 1767 subject to said standards and criteria by local ordinance
 1768 adopted in accordance with the provisions of subsection (4).

1769 (12)~~(11)~~ The Florida Building Code does not apply to, and
 1770 no code enforcement action shall be brought with respect to,
 1771 zoning requirements, land use requirements, and owner
 1772 specifications or programmatic requirements which do not pertain
 1773 to and govern the design, construction, erection, alteration,
 1774 modification, repair, or demolition of public or private
 1775 buildings, structures, or facilities or to programmatic
 1776 requirements that do not pertain to enforcement of the Florida
 1777 Building Code. Additionally, a local code enforcement agency
 1778 may not administer or enforce the Florida Building Code to
 1779 prevent the siting of any publicly owned facility, including,
 1780 but not limited to, correctional facilities, juvenile justice
 1781 facilities, or state universities, community colleges, or public
 1782 education facilities, as provided by law.

1783 Section 8. Subsection (2) of section 553.775, Florida
 1784 Statutes, is amended to read:

1785 553.775 Interpretations.--

1786 (2) Local enforcement agencies, local building officials,
 1787 state agencies, and the commission shall interpret provisions of
 1788 the Florida Building Code in a manner that is consistent with
 1789 declaratory statements and interpretations entered by the
 1790 commission, except that conflicts between the Florida Fire
 1791 Prevention Code and the Florida Building Code shall be resolved
 1792 in accordance with s. 553.73(10)(c) and (d) ~~s. 553.73(9)(c) and~~

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CS/HB 1A, Engrossed 1/c

2007 Legislature

1793 ~~(d).~~

1794 Section 9. Upon the effective date of this act, each
 1795 jurisdiction having authority to enforce the Florida Building
 1796 Code shall, at a minimum, require wind-borne-debris protection
 1797 in accordance with s. 1609.1, International Building Code (2006)
 1798 and the International Residential Code (2006) within the "wind-
 1799 borne-debris region" as that term is defined in s. 1609.2,
 1800 International Building Code (2006), and s. R301.2, International
 1801 Residential Code (2006).

1802 Section 10. (1) The Florida Building Commission shall
 1803 amend the Florida Building Code to reflect the application of
 1804 provisions identified in section 9 of this act, and to eliminate
 1805 all exceptions that provide less stringent requirements. The
 1806 amendments by the commission shall apply throughout the state
 1807 with the exception of the High Velocity Hurricane Zone, which
 1808 shall be governed as currently provided within the Florida
 1809 Building Code. The commission shall fulfill these obligations
 1810 before July 1, 2007, pursuant only to the provisions of chapter
 1811 120, Florida Statutes.

1812 (2) The Florida Building Commission shall develop
 1813 voluntary "Code Plus" guidelines for increasing the hurricane
 1814 resistance of buildings. The guidelines may be modeled on the
 1815 requirements for the High Velocity Hurricane Zone and must
 1816 identify products, systems, and methods of construction that the
 1817 commission anticipates could result in stronger construction.
 1818 The commission shall include these guidelines in its report to
 1819 the 2008 Legislature.

1820 Section 11. Subsection (1) of section 624.407, Florida

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

2633 contract, or certificate of any type has been purchased by the
 2634 insured.

2635 Section 21. Paragraphs (a), (b), (c), (m), (p), and (s) of
 2636 subsection (6) of section 627.351, Florida Statutes, are
 2637 amended, and paragraph (ee) is added to that subsection, to
 2638 read:

2639 627.351 Insurance risk apportionment plans.--

2640 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

2641 (a)1. The Legislature finds that actual and threatened
 2642 catastrophic losses to property in this state from hurricanes
 2643 have caused insurers to be unwilling or unable to provide
 2644 property insurance coverage to the extent sought and needed. It
 2645 is in the public interest and a public purpose to assist in
 2646 assuring that property in the state is insured so as to
 2647 facilitate the remediation, reconstruction, and replacement of
 2648 damaged or destroyed property in order to reduce or avoid the
 2649 negative effects otherwise resulting to the public health,
 2650 safety, and welfare; to the economy of the state; and to the
 2651 revenues of the state and local governments needed to provide
 2652 for the public welfare. It is necessary, therefore, to provide
 2653 property insurance to applicants who are in good faith entitled
 2654 to procure insurance through the voluntary market but are unable
 2655 to do so. The Legislature intends by this subsection that
 2656 property insurance be provided and that it continues, as long as
 2657 necessary, through an entity organized to achieve efficiencies
 2658 and economies, while providing service to policyholders,
 2659 applicants, and agents that is no less than the quality
 2660 generally provided in the voluntary market, all toward the

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

2661 achievement of the foregoing public purposes. Because it is
2662 essential for the corporation to have the maximum financial
2663 resources to pay claims following a catastrophic hurricane, it
2664 is the intent of the Legislature that the income of the
2665 corporation be exempt from federal income taxation and that
2666 interest on the debt obligations issued by the corporation be
2667 exempt from federal income taxation.

2668 2. The Residential Property and Casualty Joint
2669 Underwriting Association originally created by this statute
2670 shall be known, as of July 1, 2002, as the Citizens Property
2671 Insurance Corporation. The corporation shall provide insurance
2672 for residential and commercial property, for applicants who are
2673 in good faith entitled, but are unable, to procure insurance
2674 through the voluntary market. The corporation shall operate
2675 pursuant to a plan of operation approved by order of the
2676 Financial Services Commission. The plan is subject to continuous
2677 review by the commission. The commission may, by order, withdraw
2678 approval of all or part of a plan if the commission determines
2679 that conditions have changed since approval was granted and that
2680 the purposes of the plan require changes in the plan. The
2681 corporation shall continue to operate pursuant to the plan of
2682 operation approved by the Office of Insurance Regulation until
2683 October 1, 2006. For the purposes of this subsection,
2684 residential coverage includes both personal lines residential
2685 coverage, which consists of the type of coverage provided by
2686 homeowner's, mobile home owner's, dwelling, tenant's,
2687 condominium unit owner's, and similar policies, and commercial
2688 lines residential coverage, which consists of the type of

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CS/HB 1A, Engrossed 1/c

2007 Legislature

2689 coverage provided by condominium association, apartment
 2690 building, and similar policies.

2691 3. For the purposes of this subsection, the term
 2692 "homestead property" means:

2693 a. Property that has been granted a homestead exemption
 2694 under chapter 196;

2695 b. Property for which the owner has a current, written
 2696 lease with a renter for a term of at least 7 months and for
 2697 which the dwelling is insured by the corporation for \$200,000 or
 2698 less;

2699 c. An owner-occupied mobile home or manufactured home, as
 2700 defined in s. 320.01, which is permanently affixed to real
 2701 property, is owned by a Florida resident, and has been granted a
 2702 homestead exemption under chapter 196 or, if the owner does not
 2703 own the real property, the owner certifies that the mobile home
 2704 or manufactured home is his or her principal place of
 2705 residence;-

2706 d. Tenant's coverage;

2707 e. Commercial lines residential property; or

2708 f. Any county, district, or municipal hospital; a hospital
 2709 licensed by any not-for-profit corporation qualified under s.
 2710 501(c)(3) of the United States Internal Revenue Code; or a
 2711 continuing care retirement community that is certified under
 2712 chapter 651 and that receives an exemption from ad valorem taxes
 2713 under chapter 196.

2714 4. For the purposes of this subsection, the term
 2715 "nonhomestead property" means property that is not homestead
 2716 property.

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

2717 5. Effective July 1, 2008, a personal lines residential
2718 structure that has a dwelling replacement cost of \$1 million or
2719 more, or a single condominium unit that has a combined dwelling
2720 and content replacement cost of \$1 million or more is not
2721 eligible for coverage by the corporation. Such dwellings insured
2722 by the corporation on June 30, 2008, may continue to be covered
2723 by the corporation until the end of the policy term. However,
2724 such dwellings that are insured by the corporation and become
2725 ineligible for coverage due to the provisions of this
2726 subparagraph may reapply and obtain coverage in the high-risk
2727 account and be considered "nonhomestead property" if the
2728 property owner provides the corporation with a sworn affidavit
2729 from one or more insurance agents, on a form provided by the
2730 corporation, stating that the agents have made their best
2731 efforts to obtain coverage and that the property has been
2732 rejected for coverage by at least one authorized insurer and at
2733 least three surplus lines insurers. If such conditions are met,
2734 the dwelling may be insured by the corporation for up to 3
2735 years, after which time the dwelling is ineligible for coverage.
2736 The office shall approve the method used by the corporation for
2737 valuing the dwelling replacement cost for the purposes of this
2738 subparagraph. If a policyholder is insured by the corporation
2739 prior to being determined to be ineligible pursuant to this
2740 subparagraph and such policyholder files a lawsuit challenging
2741 the determination, the policyholder may remain insured by the
2742 corporation until the conclusion of the litigation.

2743 6. For properties constructed on or after January 1, 2009,
2744 the corporation may not insure any property located within 2,500

ENROLLED

CS/HB 1A, Engrossed 1/c

2007 Legislature

2745 feet landward of the coastal construction control line created
2746 pursuant to s. 161.053 unless the property meets the
2747 requirements of the code-plus building standards developed by
2748 the Florida Building Commission.

2749 ~~6. Effective March 1, 2007, nonhomestead property is not~~
2750 ~~eligible for coverage by the corporation and is not eligible for~~
2751 ~~renewal of such coverage unless the property owner provides the~~
2752 ~~corporation with a sworn affidavit from one or more insurance~~
2753 ~~agents, on a form provided by the corporation, stating that the~~
2754 ~~agents have made their best efforts to obtain coverage and that~~
2755 ~~the property has been rejected for coverage by at least one~~
2756 ~~authorized insurer and at least three surplus lines insurers.~~

2757 7. It is the intent of the Legislature that policyholders,
2758 applicants, and agents of the corporation receive service and
2759 treatment of the highest possible level but never less than that
2760 generally provided in the voluntary market. It also is intended
2761 that the corporation be held to service standards no less than
2762 those applied to insurers in the voluntary market by the office
2763 with respect to responsiveness, timeliness, customer courtesy,
2764 and overall dealings with policyholders, applicants, or agents
2765 of the corporation.

2766 (b)1. All insurers authorized to write one or more subject
2767 lines of business in this state are subject to assessment by the
2768 corporation and, for the purposes of this subsection, are
2769 referred to collectively as "assessable insurers." Insurers
2770 writing one or more subject lines of business in this state
2771 pursuant to part VIII of chapter 626 are not assessable
2772 insurers, but insureds who procure one or more subject lines of