

D R A F T L E G I S L A T I O N

An act relating to building construction; amending s. 553.71, F.S.; revising and adding definitions; amending s. 553.73(4)(a), F.S.; clarifying that local amendments may not modify the provisions of Chapter 481, F.S.; and providing an effective date.

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

Section 1. Section 553.71, Florida Statutes, is hereby amended to read:

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

- (1) “Commission” means the Florida Building Commission created by this part.
- (2) “Department” means the Department of Business and Professional Regulation.
- (3) “Housing code” means any code or rule intending postconstruction regulation of structures which would include, but not be limited to: standards of maintenance, condition of facilities, condition of systems and components, living conditions, occupancy, use, and room sizes.
- (4) “Load management control device” means any device installed by any electric utility or its contractors which temporarily interrupts electric service to major appliances, motors, or other electrical systems contained within the buildings or on the premises of consumers for the purpose of reducing the utility’s system demand as needed in order to prevent curtailment of electric service in whole or in part to consumers and thereby maintain the quality of service to

consumers, provided the device is in compliance with a program approved by the Florida Public Service Commission.

(5) “Local administrative amendment” means an action by a local governing authority to modify the Florida Building Code so as to increase, improve, or accelerate the operational requirements of that local governing authority in processing building demolition and construction permit applications, reviewing construction documents, conducting inspections of completed work, or performing other functions relevant to enforcing the Florida Building Code.

(56) “Local enforcement agency” means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(67) “Local technical amendment” means an action by a local governing authority that results in a ~~technical~~ change to the Florida Building Code ~~and its local enforcement~~ that alters the requirements imposed on construction documents, permit applicants, owners, builders, contractors, subcontractors, or structures.

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

(9) “Residential design professional” means a person who is permitted under the exemptions provided in s. 481.229(1), F.S., to prepare plans and other construction documents without being licensed by the state as an architect.

(810) “Secretary” means the Secretary of Business and Professional Regulation.

(11) “Special conditions” means the presence of an element of the construction site and/or design that is outside the parameters upon which the Florida Building Code is based and that are unique to the proposed construction rather than generally applicable within the jurisdiction of the local enforcement agency.

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

(4013) “State enforcement agency” means the agency of state government with authority to make inspections of buildings and to enforce the codes, as required by this part, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.

(4114) “Temporary” includes, but is not limited to, buildings identified by, but not designated as permanent structures on, an approved development order.

(4215) “Threshold building” means any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.

Section 2. Subsection (4)(a) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(4)(a) All entities authorized to enforce the Florida Building Code under s. 553.80 shall comply with applicable standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections as established by the commission by rule. Local

governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to the limitations in this subsection and provided that no local amendment may alter the ability for residential design professionals to prepare construction documents, as provided in Chapter 481, F.S. Local amendments must be more stringent than the minimum standards described in this section and must be transmitted to the commission within 30 days after enactment. The local government shall make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required in this subsection for governmental entities with respect to applying the Florida Fire Prevention Code and the Life Safety Code.

Section 3. This act shall take effect July 1, 2024.