

1 A bill to be entitled
2 An act relating to building standards; amending s.
3 489.105, F.S.; revising the definition of the term
4 "roofing contractor"; creating s. 489.1138, F.S.;
5 providing definitions; requiring a tower crane to be
6 certified in order to be operated; requiring a person to
7 be certified in order to operate a tower crane on
8 construction projects; providing applicable standards;
9 specifying duties of contractors; providing penalties;
10 authorizing persons in training for certification to
11 operate tower cranes under direct supervision of a
12 certified tower crane operator; creating s. 489.1139,
13 F.S.; preempting the regulation of tower cranes and tower
14 crane operators to the state; amending s. 553.36, F.S.;
15 revising the definition of the term "manufactured
16 building" to include modular buildings and factory-built
17 buildings; amending s. 553.37, F.S.; revising requirements
18 that the Florida Building Commission adopt requirements
19 for construction or modification of manufactured
20 buildings; requiring the Department of Community Affairs
21 to adopt certain rules relating to manufactured buildings;
22 transferring certain responsibilities from the commission
23 to the department; requiring the department to develop an
24 insignia to be affixed to newly constructed manufactured
25 buildings; authorizing the department to charge a fee for
26 the insignia; providing requirements for the insignia;
27 requiring the department to develop minimum criteria for a
28 manufacturer's data plate; amending s. 553.381, F.S.;

29 | revising the department's authority to conform;
30 | authorizing the department to establish certain fees by
31 | rule; amending s. 553.415, F.S.; requiring the department
32 | to require that an insignia and manufacturer's data plate
33 | be affixed to certain school buildings; providing
34 | requirements for the data plate; requiring under certain
35 | circumstances manufacturers or the department to affix the
36 | insignia and data plate; amending s. 553.71, F.S.;
37 | providing a definition of the term "temporary;" amending
38 | s. 553.73, F.S.; expanding the list of required codes to
39 | be included in the Florida Building Code as foundation
40 | codes; expanding authority of the commission to approve
41 | amendments to the Florida Building Code; amending s.
42 | 553.74., F.S.; specifying entities encouraged to recommend
43 | candidate lists for consideration as members of the
44 | commission; increasing membership of the commission;
45 | deleting obsolete provisions; amending s. 553.75, F.S.;
46 | authorizing the commission to use communications media
47 | technology in conducting certain meetings; providing for
48 | requirements for public comment at commission meetings;
49 | amending s. 553.775, F.S.; authorizing the commission to
50 | render certain accessibility declaratory statements;
51 | amending s. 553.80, F.S.; revising enforcement
52 | requirements for construction regulations for certain
53 | facilities; amending s. 553.844, F.S.; revising
54 | requirements for criteria for mitigation techniques
55 | adopted by the commission; specifying certain roof
56 | retrofitting requirements; amending s. 553.885, F.S.;

57 requiring the installation of carbon monoxide detectors in
58 certain new hospitals, hospice facilities, and nursing
59 homes; amending s. 627.351, F.S.; specifying that certain
60 buildings or structures must meet certain coastal
61 construction line setbacks to be eligible for Citizens
62 Property Insurance coverage; repealing s. 553.731 F.S.,
63 relating to wind-borne debris protection requirements;
64 providing for construction and interpretation of the
65 repeal; providing effective dates.

66
67 Be It Enacted by the Legislature of the State of Florida:

68
69 Section 1. Paragraph (e) of subsection (3) of section
70 489.105, Florida Statutes, is amended to read:

71 489.105 Definitions.--As used in this part:

72 (3) "Contractor" means the person who is qualified for,
73 and shall only be responsible for, the project contracted for
74 and means, except as exempted in this part, the person who, for
75 compensation, undertakes to, submits a bid to, or does himself
76 or herself or by others construct, repair, alter, remodel, add
77 to, demolish, subtract from, or improve any building or
78 structure, including related improvements to real estate, for
79 others or for resale to others; and whose job scope is
80 substantially similar to the job scope described in one of the
81 subsequent paragraphs of this subsection. For the purposes of
82 regulation under this part, "demolish" applies only to
83 demolition of steel tanks over 50 feet in height; towers over 50
84 feet in height; other structures over 50 feet in height, other

85 | than buildings or residences over three stories tall; and
 86 | buildings or residences over three stories tall. Contractors are
 87 | subdivided into two divisions, Division I, consisting of those
 88 | contractors defined in paragraphs (a)-(c), and Division II,
 89 | consisting of those contractors defined in paragraphs (d)-(q):

90 | (e) "Roofing contractor" means a contractor whose services
 91 | are unlimited in the roofing trade and who has the experience,
 92 | knowledge, and skill to install, maintain, repair, alter,
 93 | extend, or design, when not prohibited by law, and use materials
 94 | and items used in the installation, maintenance, extension, and
 95 | alteration of all kinds of roofing, waterproofing, and coating,
 96 | except when coating is not represented to protect, repair,
 97 | waterproof, stop leaks, or extend the life of the roof. The
 98 | scope of work of a roofing contractor also includes required
 99 | roof-deck attachments and any repair or replacement of wood roof
 100 | sheathing or fascia as needed during roof repair or replacement.

101 | Section 2. Effective July 1, 2009, section 489.1138,
 102 | Florida Statutes, is created to read:

103 | 489.1138 Certification of tower cranes and tower crane
 104 | operators.--

105 | (1) DEFINITIONS.--As used in this section:

106 | (a) "Tower crane" means a nonmobile, power-operated
 107 | hoisting machine used in construction, maintenance, demolition,
 108 | or excavation work that has a power-operated winch, load-line,
 109 | and boom moving laterally. A tower crane is a temporary
 110 | structure and is not subject to building codes or other
 111 | provisions of law, rule, or ordinance applicable to permanent
 112 | structures.

113 (b) "Tower crane operator" means a person engaged in
114 operating a tower crane.

115 (2) CERTIFICATION OF TOWER CRANES.--A tower crane may be
116 operated in this state only if the tower crane has been
117 certified to meet the American Society of Mechanical Engineers
118 standards for construction tower cranes, ASME B30.3-2004, as
119 modified by American Society of Civil Engineers standard ASCE
120 37-02. Certification must be from a certification organization
121 that meets the standards of the American National Standards
122 Institute, the American Society of Mechanical Engineers, or the
123 accreditation requirements of the National Commission for
124 Certifying Agencies.

125 (3) CERTIFICATION OF TOWER CRANE OPERATORS.--A person may
126 operate a tower crane on a construction project only if he or
127 she is certified as a crane operator by the National Commission
128 for the Certification of Crane Operators.

129 (4) DUTIES OF CONTRACTORS.--For each construction project
130 for which a contractor is responsible under this part, the
131 contractor shall produce a list identifying the certified tower
132 cranes and certified tower crane operators used on the project
133 and identifying the qualified personnel supervising the
134 erection, modification, and dismantling of each tower crane used
135 on the project. The contractor shall maintain this list for the
136 duration of the construction project and shall provide the list
137 to the department pursuant to any investigation for a violation
138 of this part.

139 (5) PENALTIES.--Any person licensed under this part who
140 intentionally violates subsection (2) or subsection (3) is

141 subject to discipline pursuant to ss. 455.227 and 489.129.

142 (6) OPERATION OF TOWER CRANES BY TRAINEES UNDER
 143 SUPERVISION.--Notwithstanding the certification requirements of
 144 this section, a person undergoing training for the purpose of
 145 qualifying for tower crane operator certification pursuant to
 146 this section may operate a tower crane if such person is under
 147 the direct supervision of a tower crane operator who holds a
 148 current and valid certification to operate the tower crane
 149 operated by such person.

150 Section 3. Section 489.1139, Florida Statutes, is created
 151 to read:

152 489.1139 Preemption.--The regulation of tower cranes and
 153 tower crane operators is expressly preempted to the state and no
 154 county, municipality, or other political subdivision shall enact
 155 or enforce any ordinance relating to matters within the scope of
 156 this section and s. 489.1138.

157 Section 4. Subsection (13) of section 553.36, Florida
 158 Statutes, is amended to read:

159 553.36 Definitions.--The definitions contained in this
 160 section govern the construction of this part unless the context
 161 otherwise requires.

162 (13) "Manufactured building," "modular building," or
 163 "factory-built building" means a closed structure, building
 164 assembly, or system of subassemblies, which may include
 165 structural, electrical, plumbing, heating, ventilating, or other
 166 service systems manufactured in manufacturing facilities for
 167 installation or erection as a finished building or as part of a
 168 finished building, which shall include, but not be limited to,

169 residential, commercial, institutional, storage, and industrial
 170 structures. The term includes buildings not intended for human
 171 habitation such as lawn storage buildings and storage sheds
 172 manufactured and assembled offsite by a manufacturer certified
 173 in conformance with this part. This part does not apply to
 174 mobile homes.

175 Section 5. Section 553.37, Florida Statutes, is amended to
 176 read:

177 553.37 Rules; inspections; and insignia.--

178 (1) The Florida Building Commission shall adopt within the
 179 Florida Building Code requirements for construction or
 180 modification of manufactured buildings and building modules, to
 181 address:

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

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

188 (c) Minimum inspection criteria ~~Procedures and~~
 189 ~~qualifications for approval of third party plan review and~~
 190 ~~inspection entities and of those who perform inspections and~~
 191 ~~plan reviews.~~

192 (2) The department shall adopt rules to address:

193 (a) Procedures and qualifications for approval of third-
 194 party plan review and inspection agencies and of those who
 195 perform inspections and plan reviews.

196 (b)~~(d)~~ Investigation of consumer complaints of
 197 noncompliance of manufactured buildings with the Florida
 198 Building Code and the Florida Fire Prevention Code.

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

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

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

210 (3)~~(2)~~ After the effective date of the Florida Building
 211 Code, no manufactured building, ~~except as provided in subsection~~
 212 ~~(11)~~, may be installed in this state unless it is approved and
 213 bears the insignia of approval of the department and a
 214 manufacturer's data plate. Approvals issued by the department
 215 under the provisions of the prior part shall be deemed to comply
 216 with the requirements of this part.

217 (4)~~(3)~~ All manufactured buildings issued and bearing
 218 insignia of approval pursuant to subsection (3) ~~(2)~~ shall be
 219 deemed to comply with the Florida Building Code and are exempt
 220 from local amendments enacted by any local government.

221 (5)~~(4)~~ No manufactured building bearing department
 222 insignia of approval pursuant to subsection (3) ~~(2)~~ shall be in

223 any way modified prior to installation, except in conformance
 224 with the Florida Building Code.

225 (6)~~(5)~~ Manufactured buildings which have been issued and
 226 bear the insignia of approval pursuant to this part upon
 227 manufacture or first sale shall not require an additional
 228 approval or insignia by a local government in which they are
 229 subsequently sold or installed. Buildings or structures that
 230 meet the definition of "open construction" are subject to
 231 permitting by the local jurisdiction and are not required to
 232 bear insignia.

233 (7)~~(6)~~ If the department ~~Florida Building Commission~~
 234 determines that the standards for construction and inspection of
 235 manufactured buildings prescribed by statute or rule of another
 236 state are at least equal to the Florida Building Code and that
 237 such standards are actually enforced by such other state, it may
 238 provide by rule that the manufactured building which has been
 239 inspected and approved by such other state shall be deemed to
 240 have been approved by the department and shall authorize the
 241 affixing of the appropriate insignia of approval.

242 (8)~~(7)~~ The department ~~Florida Building Commission~~, by
 243 rule, shall establish a schedule of fees to pay the cost
 244 incurred by the department for the work related to
 245 administration and enforcement of this part.

246 (9)~~(8)~~ The department may delegate its enforcement
 247 authority to a state department having building construction
 248 responsibilities or a local government. The department may
 249 delegate its plan review and inspection authority to one or more
 250 of the following in any combination:

251 (a) A state department having building construction
 252 responsibilities;i~~τ~~

253 (b) A local government;i~~τ~~

254 (c) An approved inspection agency;i~~τ~~

255 (d) An approved plan review agency;i~~τ~~ or

256 (e) An agency of another state.

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

262 (10) The department shall develop an insignia to be
 263 affixed to all newly constructed buildings by the manufacturer
 264 or the inspection agency prior to the building leaving the
 265 plant. The department may charge a fee for issuing such
 266 insignias. Such insignias shall bear the department's name, the
 267 state seal, an identification number unique to that insignia,
 268 and such other information as the department may require by
 269 rule. ~~If the commission delegates its inspection authority to~~
 270 ~~third party approved plan review agencies, manufacturers must~~
 271 ~~have one, and only one, plan review agency responsible for~~
 272 ~~review of plans of a manufactured building, module, or component~~
 273 ~~at all times.~~

274 (11) The department shall by rule develop minimum criteria
 275 for manufacturer's data that must be affixed to all newly
 276 constructed buildings by the manufacturer prior to the building
 277 leaving the plant. ~~Custom or one-of-a-kind prototype~~
 278 ~~manufactured buildings shall not be required to have state~~

279 ~~approval but must comply with all local requirements of the~~
 280 ~~governmental agency having jurisdiction at the installation~~
 281 ~~site.~~

282 Section 6. Subsections (1) and (3) of section 553.381,
 283 Florida Statutes, are amended to read:

284 553.381 Manufacturer certification.--

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

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

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

296 (c) The fee established by the department ~~commission~~ under
 297 s. 553.37(8) ~~s. 553.37(7)~~.

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

306 Section 7. Subsections (11) and (12) of section 553.415,
 307 Florida Statutes, are amended to read:

308 553.415 Factory-built school buildings.--

309 (11) The department shall require that an insignia bearing
 310 the department's name and state seal and a manufacturer's data
 311 plate ~~develop a unique identification label to~~ be affixed to all
 312 newly constructed factory-built school buildings and existing
 313 factory-built school buildings which have been brought into
 314 compliance with the standards for existing "satisfactory"
 315 buildings pursuant to chapter 5 of the Uniform Code for Public
 316 Educational Facilities, and after March 1, 2002, the Florida
 317 Building Code. The department may charge a fee for issuing such
 318 insignias ~~labels. The manufacturer's data plate~~ Such labels,
 319 ~~bearing the department's name and state seal,~~ shall, at a
 320 minimum, contain:

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

334 (12) Such insignia and data plate ~~identification label~~
 335 shall be permanently affixed by the manufacturer in the case of
 336 newly constructed factory-built school buildings, or by the
 337 department or its designee in the case of an existing factory-
 338 built building altered to comply with provisions of s. 1013.20.

339 Section 8. Subsection (11) is added to section 553.71,
 340 Florida Statutes, to read:

341 553.71 Definitions.--As used in this part, the term:

342 (11) "Temporary" includes, but is not limited to,
 343 buildings identified by, but not designated as permanent
 344 structures on, an approved development order.

345 Section 9. Paragraph (a) of subsection (6) and subsection
 346 (7) of section 553.73, Florida Statutes, are amended to read:

347 553.73 Florida Building Code.--

348 (6) (a) The commission, by rule adopted pursuant to ss.
 349 120.536(1) and 120.54, shall update the Florida Building Code
 350 every 3 years. When updating the Florida Building Code, the
 351 commission shall select the most current version of the
 352 International Building Code, the International Fuel Gas Code,
 353 the International Mechanical Code, the International Plumbing
 354 Code, and the International Residential Code, all of which are
 355 adopted by the International Code Council, and the National
 356 Electrical Code, which is adopted by the National Fire
 357 Protection Association, to form the foundation codes of the
 358 updated Florida Building Code, if the version has been adopted
 359 by the applicable model code entity and made available to the
 360 public at least 6 months prior to its selection by the
 361 commission. The commission shall select the most current version

362 of the International Energy Conservation Code as a foundation
363 code, provided the code shall be modified by the commission to
364 maintain the overall efficiencies of the Florida Energy
365 Efficiency Code for Building Construction adopted and amended
366 pursuant to this part.

367 (7) Notwithstanding the provisions of subsection (3) or
368 subsection (6), the commission may address issues identified in
369 this subsection by amending the code pursuant only to the rule
370 adoption procedures contained in chapter 120. Provisions of the
371 Florida Building Code, including those contained in referenced
372 standards and criteria, relating to wind resistance or the
373 prevention of water intrusion may not be amended pursuant to
374 this subsection to diminish those construction requirements;
375 however, the commission may, subject to conditions in this
376 subsection, amend the provisions to enhance those construction
377 requirements. Following the approval of any amendments to the
378 Florida Building Code by the commission and publication of the
379 amendments on the commission's website, authorities having
380 jurisdiction to enforce the Florida Building Code may enforce
381 the amendments. The commission may approve amendments that are
382 needed to address:

383 (a) Conflicts within the updated code;

384 (b) Conflicts between the updated code and the Florida
385 Fire Prevention Code adopted pursuant to chapter 633;

386 (c) The omission of previously adopted Florida-specific
387 amendments to the updated code if such omission is not supported
388 by a specific recommendation of a technical advisory committee
389 or particular action by the commission;

390 (d) Unintended results from the integration of previously
 391 adopted Florida-specific amendments with the model code; ~~or~~

392 (e) Changes to federal or state law; or

393 (f) Adoption of an updated edition of the National
 394 Electrical Code if the commission finds that delay of
 395 implementing the updated edition causes undue hardship to
 396 stakeholders or otherwise threatens the public health, safety,
 397 and welfare.

398 Section 10. Subsections (1) and (2) of section 553.74,
 399 Florida Statutes, are amended to read:

400 553.74 Florida Building Commission.--

401 (1) The Florida Building Commission is created and shall
 402 be located within the Department of Community Affairs for
 403 administrative purposes. Members shall be appointed by the
 404 Governor subject to confirmation by the Senate. The commission
 405 shall be composed of 25 ~~23~~ members, consisting of the following:

406 (a) One architect registered to practice in this state and
 407 actively engaged in the profession. The American Institute of
 408 Architects, Florida Section, is encouraged to recommend a list
 409 of candidates for consideration.

410 (b) One structural engineer registered to practice in this
 411 state and actively engaged in the profession. The Florida
 412 Engineering Society is encouraged to recommend a list of
 413 candidates for consideration.

414 (c) One air-conditioning or mechanical contractor
 415 certified to do business in this state and actively engaged in
 416 the profession. The Florida Air Conditioning Contractors
 417 Association, the Florida Refrigeration and Air Conditioning

418 Contractors Association, and the Mechanical Contractors
 419 Association of Florida are encouraged to recommend a list of
 420 candidates for consideration.

421 (d) One electrical contractor certified to do business in
 422 this state and actively engaged in the profession. The Florida
 423 Electrical Contractors Association and the National Electrical
 424 Contractors Association, Florida Chapter, are encouraged to
 425 recommend a list of candidates for consideration.

426 (e) One member from fire protection engineering or
 427 technology who is actively engaged in the profession. The
 428 Florida Chapter of the Society of Fire Protection Engineers and
 429 the Florida Fire Marshals and Inspectors Association are
 430 encouraged to recommend a list of candidates for consideration.

431 (f) One general contractor certified to do business in
 432 this state and actively engaged in the profession. The
 433 Associated Builders and Contractors of Florida, the Florida
 434 Associated General Contractors Council, and the Union
 435 Contractors Association are encouraged to recommend a list of
 436 candidates for consideration.

437 (g) One plumbing contractor licensed to do business in
 438 this state and actively engaged in the profession. The Florida
 439 Association of Plumbing, Heating, and Cooling Contractors is
 440 encouraged to recommend a list of candidates for consideration.

441 (h) One roofing or sheet metal contractor certified to do
 442 business in this state and actively engaged in the profession.
 443 The Florida Roofing, Sheet Metal, and Air Conditioning
 444 Contractors Association and the Sheet Metal and Air Conditioning

445 Contractors National Association are encouraged to recommend a
446 list of candidates for consideration.

447 (i) One residential contractor licensed to do business in
448 this state and actively engaged in the profession. The Florida
449 Home Builders Association is encouraged to recommend a list of
450 candidates for consideration.

451 (j) Three members who are municipal or district codes
452 enforcement officials, one of whom is also a fire official. The
453 Building Officials Association of Florida and the Florida Fire
454 Marshals and Inspectors Association are encouraged to recommend
455 a list of candidates for consideration.

456 (k) One member who represents the Department of Financial
457 Services.

458 (l) One member who is a county codes enforcement official.
459 The Building Officials Association of Florida is encouraged to
460 recommend a list of candidates for consideration.

461 (m) One member of a Florida-based organization of persons
462 with disabilities or a nationally chartered organization of
463 persons with disabilities with chapters in this state.

464 (n) One member of the manufactured buildings industry who
465 is licensed to do business in this state and is actively engaged
466 in the industry. The Florida Manufactured Housing Association is
467 encouraged to recommend a list of candidates for consideration.

468 (o) One mechanical or electrical engineer registered to
469 practice in this state and actively engaged in the profession.
470 The Florida Engineering Society is encouraged to recommend a
471 list of candidates for consideration.

472 (p) One member who is a representative of a municipality
473 or a charter county. The Florida League of Cities and the
474 Florida Association of Counties are encouraged to recommend a
475 list of candidates for consideration.

476 (q) One member of the building products manufacturing
477 industry who is authorized to do business in this state and is
478 actively engaged in the industry. The Florida Building Material
479 Association, the Florida Concrete and Products Association, and
480 the Fenestration Manufacturers Association are encouraged to
481 recommend a list of candidates for consideration.

482 (r) One member who is a representative of the building
483 owners and managers industry who is actively engaged in
484 commercial building ownership or management. The Building Owners
485 and Managers Association is encouraged to recommend a list of
486 candidates for consideration.

487 (s) One member who is a representative of the insurance
488 industry. The Florida Insurance Council is encouraged to
489 recommend a list of candidates for consideration.

490 (t) One member who is a representative of public
491 education.

492 (u) One member who is a swimming pool contractor licensed
493 to do business in this state and actively engaged in the
494 profession. The Florida Swimming Pool Association and the United
495 Pool and Spa Association are encouraged to recommend a list of
496 candidates for consideration.

497 (v) One member who is a representative of the green
498 building industry and who is a third-party commission agent, a

499 Florida board member of the United States Green Building Council
 500 or Green Building Initiative, or a LEED-accredited professional.

501 (w)~~(u)~~ One member who shall be the chair.

502
 503 Any person serving on the commission under paragraph (c) or
 504 paragraph (h) on October 1, 2003, and who has served less than
 505 two full terms is eligible for reappointment to the commission
 506 regardless of whether he or she meets the new qualification.

507 (2) All appointments shall be for terms of 4 years,~~except~~
 508 ~~that of the chair who shall serve at the pleasure of the~~
 509 ~~Governor.~~ Each person who is a member of the Board of Building
 510 Codes and Standards on the effective date of this act shall
 511 serve the remainder of their term as a member of the Florida
 512 Building Commission. ~~Except for the chair, newly created~~
 513 ~~positions on the Florida Building Commission shall be appointed~~
 514 ~~after February 1, 1999. A vacancy shall be filled for the~~
 515 ~~remainder of the unexpired term.~~ Any member who shall, during
 516 his or her term, cease to meet the qualifications for original
 517 appointment, through ceasing to be a practicing member of the
 518 profession indicated or otherwise, shall thereby forfeit
 519 membership on the commission.

520 Section 11. Section 553.75, Florida Statutes, is amended
 521 to read:

522 553.75 Organization of commission; rules and regulations;
 523 meetings; staff; fiscal affairs; public comment.--

524 (1) The commission shall meet on call of the secretary.
 525 The commission shall annually elect from its appointive members
 526 such officers as it may choose.

527 (2) The commission shall meet at the call of its chair, at
528 the request of a majority of its membership, at the request of
529 the department, or at such times as may be prescribed by its
530 rules. The members shall be notified in writing of the time and
531 place of a regular or special meeting at least 7 days in advance
532 of the meeting. A majority of members of the commission shall
533 constitute a quorum.

534 (3) The department shall be responsible for the provision
535 of administrative and staff support services relating to the
536 functions of the commission. With respect to matters within the
537 jurisdiction of the commission, the department shall be
538 responsible for the implementation and faithful discharge of all
539 decisions of the commission made pursuant to its authority under
540 the provisions of this part. The department may use
541 communications media technology in conducting meetings of the
542 commission or any meetings held in conjunction with meetings of
543 the commission.

544 (4) Meetings of the commission shall be conducted so as to
545 encourage participation by interested persons in attendance. At
546 a minimum, the commission shall provide an opportunity for
547 interested members of the public in attendance at a meeting to
548 comment on each proposed action of the commission before a final
549 vote is taken on any motion.

550 Section 12. Subsection (5) of section 553.775, Florida
551 Statutes, is amended to read:

552 553.775 Interpretations.--

553 (5) The commission may render declaratory statements in
554 accordance with s. 120.565 relating to the provisions of the

555 Florida Accessibility Code for Building Construction not
 556 attributable to the Americans with Disabilities Act
 557 Accessibility Guidelines. Notwithstanding the other provisions
 558 of this section, the Florida Accessibility Code for Building
 559 Construction and chapter 11 of the Florida Building Code may not
 560 be interpreted by, and are not subject to review under, any of
 561 the procedures specified in this section. This subsection has no
 562 effect upon the commission's authority to waive the Florida
 563 Accessibility Code for Building Construction as provided by s.
 564 553.512.

565 Section 13. Paragraph (a) of subsection (1) of section
 566 553.80, Florida Statutes, is amended to read:

567 553.80 Enforcement.--

568 (1) Except as provided in paragraphs (a)-(f), each local
 569 government and each legally constituted enforcement district
 570 with statutory authority shall regulate building construction
 571 and, where authorized in the state agency's enabling
 572 legislation, each state agency shall enforce the Florida
 573 Building Code required by this part on all public or private
 574 buildings, structures, and facilities, unless such
 575 responsibility has been delegated to another unit of government
 576 pursuant to s. 553.79(9).

577 (a) Construction regulations relating to correctional
 578 facilities under the jurisdiction of the Department of
 579 Corrections and the Department of Juvenile Justice and secure
 580 mental health treatment facilities under the jurisdiction of the
 581 Department of Children and Family Services shall ~~are to be~~
 582 enforced exclusively by those departments.

583
 584 The governing bodies of local governments may provide a schedule
 585 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 586 section, for the enforcement of the provisions of this part.
 587 Such fees shall be used solely for carrying out the local
 588 government's responsibilities in enforcing the Florida Building
 589 Code. The authority of state enforcing agencies to set fees for
 590 enforcement shall be derived from authority existing on July 1,
 591 1998. However, nothing contained in this subsection shall
 592 operate to limit such agencies from adjusting their fee schedule
 593 in conformance with existing authority.

594 Section 14. Paragraph (b) of subsection (2) of section
 595 553.844, Florida Statutes, is amended to read:

596 553.844 Windstorm loss mitigation; requirements for roofs
 597 and opening protection.--

598 (2) The Florida Building Commission shall:

599 (b) Develop and adopt within the Florida Building Code a
 600 means to incorporate recognized mitigation techniques for site-
 601 built, single-family residential structures constructed before
 602 ~~prior to~~ the implementation of the Florida Building Code,
 603 including, but not limited to:

604 1. Prescriptive techniques for the installation of gable-
 605 end bracing;

606 2. Secondary water barriers for roofs and standards
 607 relating to secondary water barriers. The criteria may include,
 608 but need not be limited to, roof shape, slope, and composition
 609 of all elements of the roof system. The criteria may not be

610 limited to a single method or material for a secondary water
 611 barrier;

612 3. Prescriptive techniques for improvement of roof-to-wall
 613 connections. The Legislature recognizes that the cost of
 614 retrofitting existing buildings to meet the code requirements
 615 for new construction in this regard may exceed the practical
 616 benefit to be attained. The Legislature intends for the
 617 commission to provide for the integration of alternate, lower-
 618 cost means that may be employed to retrofit existing buildings
 619 that are not otherwise required to comply with the requirements
 620 of the Florida Building Code for new construction so that the
 621 cost of such improvements does not exceed approximately 15
 622 percent of the cost of reroofing. For houses that have both hip
 623 and gable roof ends, priority shall be given to retrofit the
 624 gable end roof-to-wall connections unless the width of the hip
 625 is more than 1.5 times greater than the width of the gable end.
 626 Priority shall be given to connecting the corners of roofs to
 627 walls below the locations at which the spans of the roofing
 628 members are greatest;

629 4. Strengthening or correcting roof-decking attachments
 630 and fasteners during reroofing; and

631 5. Adding or strengthening opening protections.

632 Section 15. Subsection (1) of section 553.885, Florida
 633 Statutes, is amended to read:

634 553.885 Carbon monoxide alarm required.--

635 (1) Every building, other than a hospital, hospice
 636 facility, or nursing home facility, for which a building permit
 637 is issued for new construction on or after July 1, 2008, and

638 having a fossil-fuel-burning heater or appliance, a fireplace,
 639 or an attached garage shall have an approved operational carbon
 640 monoxide alarm installed within 10 feet of each room used for
 641 sleeping purposes. For a new hospital, hospice facility, or
 642 nursing home facility licensed by the Agency for Health Care
 643 Administration, an operational carbon monoxide detector shall be
 644 installed inside or directly outside of each room or area within
 645 the building where a fossil-fuel-burning heater, engine, or
 646 appliance is located. The detector shall be connected to the
 647 fire alarm system of the facility as a supervisory signal.

648 Section 16. Paragraph (a) of subsection (6) of section
 649 627.351, Florida Statutes, is amended to read:

650 627.351 Insurance risk apportionment plans.--

651 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

652 (a)1. It is the public purpose of this subsection to
 653 ensure the existence of an orderly market for property insurance
 654 for Floridians and Florida businesses. The Legislature finds
 655 that private insurers are unwilling or unable to provide
 656 affordable property insurance coverage in this state to the
 657 extent sought and needed. The absence of affordable property
 658 insurance threatens the public health, safety, and welfare and
 659 likewise threatens the economic health of the state. The state
 660 therefore has a compelling public interest and a public purpose
 661 to assist in assuring that property in the state is insured and
 662 that it is insured at affordable rates so as to facilitate the
 663 remediation, reconstruction, and replacement of damaged or
 664 destroyed property in order to reduce or avoid the negative
 665 effects otherwise resulting to the public health, safety, and

666 welfare, to the economy of the state, and to the revenues of the
667 state and local governments which are needed to provide for the
668 public welfare. It is necessary, therefore, to provide
669 affordable property insurance to applicants who are in good
670 faith entitled to procure insurance through the voluntary market
671 but are unable to do so. The Legislature intends by this
672 subsection that affordable property insurance be provided and
673 that it continue to be provided, as long as necessary, through
674 Citizens Property Insurance Corporation, a government entity
675 that is an integral part of the state, and that is not a private
676 insurance company. To that end, Citizens Property Insurance
677 Corporation shall strive to increase the availability of
678 affordable property insurance in this state, while achieving
679 efficiencies and economies, and while providing service to
680 policyholders, applicants, and agents which is no less than the
681 quality generally provided in the voluntary market, for the
682 achievement of the foregoing public purposes. Because it is
683 essential for this government entity to have the maximum
684 financial resources to pay claims following a catastrophic
685 hurricane, it is the intent of the Legislature that Citizens
686 Property Insurance Corporation continue to be an integral part
687 of the state and that the income of the corporation be exempt
688 from federal income taxation and that interest on the debt
689 obligations issued by the corporation be exempt from federal
690 income taxation.

691 2. The Residential Property and Casualty Joint
692 Underwriting Association originally created by this statute
693 shall be known, as of July 1, 2002, as the Citizens Property

694 Insurance Corporation. The corporation shall provide insurance
695 for residential and commercial property, for applicants who are
696 in good faith entitled, but are unable, to procure insurance
697 through the voluntary market. The corporation shall operate
698 pursuant to a plan of operation approved by order of the
699 Financial Services Commission. The plan is subject to continuous
700 review by the commission. The commission may, by order, withdraw
701 approval of all or part of a plan if the commission determines
702 that conditions have changed since approval was granted and that
703 the purposes of the plan require changes in the plan. The
704 corporation shall continue to operate pursuant to the plan of
705 operation approved by the Office of Insurance Regulation until
706 October 1, 2006. For the purposes of this subsection,
707 residential coverage includes both personal lines residential
708 coverage, which consists of the type of coverage provided by
709 homeowner's, mobile home owner's, dwelling, tenant's,
710 condominium unit owner's, and similar policies, and commercial
711 lines residential coverage, which consists of the type of
712 coverage provided by condominium association, apartment
713 building, and similar policies.

714 3. For the purposes of this subsection, the term
715 "homestead property" means:

716 a. Property that has been granted a homestead exemption
717 under chapter 196;

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

722 c. An owner-occupied mobile home or manufactured home, as
 723 defined in s. 320.01, which is permanently affixed to real
 724 property, is owned by a Florida resident, and has been granted a
 725 homestead exemption under chapter 196 or, if the owner does not
 726 own the real property, the owner certifies that the mobile home
 727 or manufactured home is his or her principal place of residence;

728 d. Tenant's coverage;

729 e. Commercial lines residential property; or

730 f. Any county, district, or municipal hospital; a hospital
 731 licensed by any not-for-profit corporation qualified under s.
 732 501(c)(3) of the United States Internal Revenue Code; or a
 733 continuing care retirement community that is certified under
 734 chapter 651 and that receives an exemption from ad valorem taxes
 735 under chapter 196.

736 4. For the purposes of this subsection, the term
 737 "nonhomestead property" means property that is not homestead
 738 property.

739 5. Effective January 1, 2009, a personal lines residential
 740 structure that has a dwelling replacement cost of \$1 million or
 741 more, or a single condominium unit that has a combined dwelling
 742 and content replacement cost of \$1 million or more is not
 743 eligible for coverage by the corporation. Such dwellings insured
 744 by the corporation on December 31, 2008, may continue to be
 745 covered by the corporation until the end of the policy term.
 746 However, such dwellings that are insured by the corporation and
 747 become ineligible for coverage due to the provisions of this
 748 subparagraph may reapply and obtain coverage in the high-risk
 749 account and be considered "nonhomestead property" if the

750 property owner provides the corporation with a sworn affidavit
 751 from one or more insurance agents, on a form provided by the
 752 corporation, stating that the agents have made their best
 753 efforts to obtain coverage and that the property has been
 754 rejected for coverage by at least one authorized insurer and at
 755 least three surplus lines insurers. If such conditions are met,
 756 the dwelling may be insured by the corporation for up to 3
 757 years, after which time the dwelling is ineligible for coverage.
 758 The office shall approve the method used by the corporation for
 759 valuing the dwelling replacement cost for the purposes of this
 760 subparagraph. If a policyholder is insured by the corporation
 761 prior to being determined to be ineligible pursuant to this
 762 subparagraph and such policyholder files a lawsuit challenging
 763 the determination, the policyholder may remain insured by the
 764 corporation until the conclusion of the litigation.

765 6. For any new building or structure for which a building
 766 permit application is filed ~~properties constructed~~ on or after
 767 January 1, 2009, the corporation may not insure any such
 768 building or structure ~~property~~ located within 2,500 feet
 769 landward of the coastal construction control line created
 770 pursuant to s. 161.053 unless the building or structure ~~property~~
 771 meets the requirements of the code-plus building standards
 772 developed by the Florida Building Commission.

773 7. It is the intent of the Legislature that policyholders,
 774 applicants, and agents of the corporation receive service and
 775 treatment of the highest possible level but never less than that
 776 generally provided in the voluntary market. It also is intended
 777 that the corporation be held to service standards no less than

778 those applied to insurers in the voluntary market by the office
779 with respect to responsiveness, timeliness, customer courtesy,
780 and overall dealings with policyholders, applicants, or agents
781 of the corporation.

782 8. Effective January 1, 2009, a personal lines residential
783 structure that is located in the "wind-borne debris region," as
784 defined in s. 1609.2, International Building Code (2006), and
785 that has an insured value on the structure of \$750,000 or more
786 is not eligible for coverage by the corporation unless the
787 structure has opening protections as required under the Florida
788 Building Code for a newly constructed residential structure in
789 that area. A residential structure shall be deemed to comply
790 with the requirements of this subparagraph if it has shutters or
791 opening protections on all openings and if such opening
792 protections complied with the Florida Building Code at the time
793 they were installed.

794 Section 17. (1) Section 553.731, Florida Statutes, is
795 repealed.

796 (2) The repeal of section 553.731, Florida Statutes, shall
797 not be construed or interpreted to diminish, or to authorize
798 changes that diminish, the provisions of the Florida Building
799 Code relating to wind resistance or water intrusion adopted as
800 required by chapter 2007-1, Laws of Florida.

801 Section 18. Except as otherwise expressly provided in this
802 act, this act shall take effect July 1, 2008.