
Senate Committee on Comprehensive Planning, Local and Military Affairs

CS/CS/SB's 336 & 190 — Building Code Revisions

by Appropriations Committee; Comprehensive Planning, Local & Military Affairs Committee; and Senators Constantine, Clary, and Crist

This bill delays implementation of the Florida Building Code from July 1, 2001 to January 1, 2002; implements the recommendations of the Florida Building Commission providing for a state product approval system; delays the deadline, from July 1, 2001 to July 1, 2002, for school relocatables to meet standards established by the Commissioner of Education; creates the “Elevator Safety Act,” which establishes the Elevator Safety Technical Advisory Committee, provides regulatory standards and permits for elevators and similar equipment; and addresses the following technical issues relating to the Florida Building Code:

- Changes the standards for ventilation requirements for relocatable classrooms by allowing doors to be used in the calculation used for ventilation requirements;
- Exempts the Governor’s mansion and capitol buildings from plans review and inspections by local governments;
- Provides that water well contractors are authorized to install, repair, and modify pumps and tanks in accordance with applicable provisions of the Florida Building Code;
- Requires \$4 from the application or renewal fee paid by electrical contractors and alarm system contractors be transferred to the Department of Community Affairs, rather than the Department of Education, to fund research projects relating to the building construction industry or continuing education programs to persons engaged in the building industry in Florida;
- Allows cities and counties to require one electrical journeyman be present on large commercial construction projects;
- Allows concrete “portables” to be used as shelters and provides that DCA, or its designated representative, determine if the plans qualify for purposes of a factory-built school shelter;
- Corrects cross-references relating to accessible parking requirements;
- Requires statutory residential swimming pool safety features be integrated into the code;
- Provides procedures for adopting technical amendments to the code;

- Provides that storage sheds and “chickee huts” be exempted from the code;
- Authorizes the commission to provide by rule for the review and approval of plans for prototype buildings;
- Authorizes the commission to produce a commentary to accompany the code;
- Authorizes the commission to establish standards and criteria for issuance of permits for preliminary construction prior to the completion of plans review, including specific authority for permits for building foundations;
- Clarifies the liability standard in current law for violations of the building code;
- Directs the commission to ensure that initial training for the Florida Building Code be achieved as soon as practicable after the effective date of bill, and to, wherever possible, to outsource components of the training;
- Exempts certain telecommunications spaces and buildings with specified fire sprinkler systems from fire sprinkler systems specified in statute;
- Requires the commission to research the issue of adopting a rehabilitation code for the state;
- Requires the commission to research the issue of requiring all primary elevators in buildings with more than five levels to operate with a universal key, which allows access and operation of elevators by emergency personnel;
- Requires the commission to appoint the current members of the Building Construction Industry Advisory Committee, as established by Rule 6A-10.029, F.A.C., to the Education Technical Advisory Committee of the Florida Building Commission;
- Creates the Building Construction Permitting and Inspection Task Force to recommend a procedure for engineers or architects to perform plans review and inspection;
- Requires the commission research and evaluate the types of specific needs appropriate to justify amendments to the Florida Building Code;
- Appropriates \$250,000 from the General Revenue Fund to Florida Community College at Jacksonville for the operation of the Institute of Applied Technology in Construction Excellence; and
- Appropriates \$250,000 from the General Revenue Fund to Miami-Dade Community College to implement the building code training program for inspectors, contractors, architects, and engineers.

If approved by the Governor, these provisions take effect January 1, 2002, except as otherwise provided.

Vote: Senate 39-0; House 90-21

SB 210 — Ad Val Tax/Nonprofit Homes for Aged

by Senators Saunders, Carlton, and Crist

This bill clarifies provisions that provide ad valorem tax exemptions for nonprofit homes for the aged.

Section 196.1975(1), F.S., is amended to clarify that an applicant for exemption must be a corporation not for profit pursuant to the provisions of chapter 617, F.S., or a limited partnership, the sole general partner of which is organized as a not for profit corporation pursuant chapter 617, F.S. Subsection (4)(a), is revised to clarify that units or apartments in homes for the aged are exempt from taxation, rather than the more general term that the homes for the aged are exempt. Subsection (8) is amended to clarify that “portions of a property” failing to meet specified income limits shall qualify for an alternative exemption as provided in subsection (9), which is the renter’s exemption pursuant to s. 196.1975(7), F.S. Subsection (9)(b) is amended to require each corporation, rather than home for the aged, applying for an exemption under subsection (4)(a) to file with the annual application for exemption an affidavit from each person who occupies a unit or apartment for which an exemption is claimed stating that the person resides therein and in good faith makes that unit or apartment his or her permanent residence.

A new subsection (13) is added to provide that ss. 196.195, F.S., relating to requirements for exemptions for nonprofits, and 196.196, F.S., relating to criteria for determining whether property is entitled to charitable, religious, scientific, or literary exemption, do not apply to this section.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 116-1

CS/CS/CS/SB 446 — Homelessness

by Appropriations Committee; Children & Families Committee; Comprehensive Planning, Local & Military Affairs Committee; and Senators Constantine, Wasserman Schultz, Saunders, Cowin, and Crist

This bill incorporates the recommendations of the Commission on the Homeless, establishing the State Office on Homelessness and the Council on Homelessness to address the problem of homelessness.

This bill also amends public school admissions requirements for homeless children; redefines the terms “homeless” and “homeless child”; reserves 5 percent of State Apartment Incentive Loan

Program (SAIL) funds for housing programs serving homeless persons; increases the maximum total amount of revenue bonds that may be issued by the Florida Housing Finance Corporation (FHFC) from the Florida Affordable Housing Guarantee Program from \$200 to \$400 million; amends reporting requirements of the FHFC; revises the membership of the Affordable Housing Study Commission, to include a representative from a local housing authority and a citizen representing the housing interest of homeless persons; creates “Challenge Grants” and “Homeless Housing Assistance Grants” to fund services for the homeless; amends provisions relating to local homeless coalitions; encourages the adoption of local homeless continuums of care; encourages mental health facilities to ensure that persons leaving their care are not discharged into homelessness; encourages State Housing Initiative Partnerships program (SHIP) recipients to partner with representatives of the homeless, elderly, and farm workers in the development of local housing programs; requires regional workforce boards to consider including homeless service providers as partners in the local One-Stop Delivery system; requires the Office on Program Policy Analysis and Government Accountability (OPPAGA) study the impact of homelessness, with a report due in 2005; designates December 21 as the Homeless Persons’ Memorial Day; and appropriates funds for homeless services and housing for the homeless.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 40-0; House 117-0

SB 1132 — Real and Personal Property/Disposition

by Senator Brown-Waite

The bill provides counties with an alternative procedure to competitive bidding for the sale and disposition of real or personal property.

The bill also adds a provision relating to the conservation of water. The definition of “Xeriscape” is redefined to include “Florida friendly landscape.” Deed restrictions or covenants entered after October 1, 2001, or local government ordinances may not prohibit any property owner from implementing Xeriscape on his or her land. Rain sensor devices or switches installed on an automatic lawn sprinkler system must be maintained and operated.

Chapter 197, F.S., is amended to clarify the provisions concerning the sale of tax certificates. The bill requires a nonrefundable \$200 cash deposit by the highest bidder of a tax certificate sold at a public auction. If full payment is not made by the high bidder within 24 hours, the clerk shall cancel all bids, readvertise, and pay the costs from the deposit.

Section 129.06, F.S., regarding the execution and amendment of county budgets, is amended to provide that the board of county commissioners may within the first 60 days of a fiscal year, amend the county budget of the prior fiscal year.

Certain counties levying the tourist impact tax are authorized to levy the tax throughout the entire county, rather than just in the area of critical state concern. Section 125.0104, F.S., is amended to authorize certain counties to continue using a tourist development tax after the retirement of applicable bonds under certain circumstances.

Finally, the bill restates that municipalities and counties may adopt ordinances, rules, or other measures for increasing the supply of affordable housing.

If approved by the Governor, these provisions take effect upon becoming law, except as otherwise provided.

Vote: Senate 35-0; House 120-0

SB 1516 — Surety Bonds

by Senator Constantine

This bill prohibits school boards and other public entities from directing that contractors building public facilities obtain surety bonds from a specific agent or bonding company.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 115-0

CS/SB 1642 — Homestead Exemption/Disabled Person

by Comprehensive Planning, Local & Military Affairs Committee and Senator Latvala

This bill reduces the number of physicians, from two to one, required to certify a person as “totally and permanently disabled,” to qualify for a \$500 reduction in taxable value of property owned by such persons.

This bill also provides that property owners are not entitled to a homestead exemption if they receive an ad valorem exemption or tax credit from another state, where permanent residency is required as a basis for the exemption or credit. However, such person may qualify for the exemption if the property is used as a permanent residence by someone legally or naturally dependent upon the owner.

If approved by the Governor, these provisions take effect January 1, 2002.

Vote: Senate 32-0; House 119-0

CS/SB 2118 — Schools/Adult Entertainment Location

by Comprehensive Planning, Local & Military Affairs Committee and Senator Crist

This bill prohibits the location of adult entertainment establishments within 2,500 feet of a public or private elementary school, middle school, or secondary school unless the county or city approves the location under proceedings specified in statute.

If approved by the Governor, these provisions take effect July 1, 2001.

Vote: Senate 34-0; House 120-0

CS/SB 2220 — Governmental Data Processing

by Comprehensive Planning, Local & Military Affairs Committee and Senators Posey and Klein

This bill allows any state or local agency to hold copyrights to software materials created by them and to charge for the use of those materials. The bill creates s. 119.084, F.S., to re-establish and revise the provisions of s. 119.083, F.S. Section 119.083, F.S., which expired pursuant to s. 2, chapter 90-237, L.O.F.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 119-0