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M E M O R A N D U M

TO: Commissioner Suzanne Marshall
Florida Building Commission

FROM: Suzanne H. Schmith
Staff Attorney

SUBJECT: DOE Questions

DATE: March 1, 1999

Please excuse the delay in responding to the following questions which you brought to my attention at the January meeting of the Special Occupancy TAC and at Representative Constantine's workshop on the glitch bill:

Does anything in chapter 98-287, Fla. Laws, or adoption of the Florida Building Code itself, interfere with the ability of the Department of Education to conduct facility plans review and inspections for the community colleges and local boards of education on an optional basis?

No. Section 553.80(6), F.S. (1998 Supp.)(effective January 1, 2001), allows state universities, community colleges or public school districts to conduct plans review and building inspections to enforce the Florida Building Code, as long as the personnel are certified under part XII of chapter 468. Under current law, section 235.017, F.S. (1998 Supp.), authorizes boards (of community colleges and local school districts) to conduct their own plans review and inspections, submit phase III construction documents to the department for review, submit those documents to the department of management services for review (in conformance

with a contract to that effect), or contract directly with an appropriately certified engineer or architect for plans review. Nothing in ch. 98-287, Fla. Laws, amends or otherwise changes the authority of the department in section 235.017, F.S. However, be mindful that the Legislature has directed the Florida Building Commission to recommend statutory changes during the 2000 session which will be necessitated by the adoption of the Florida Building Code. Your input, and that of your constituents, will be needed in addressing the proposed repeal of any sections of chapter 235, F.S., which may be rendered obsolete by adoption of the code. The rewording of section 235.017, F.S., to delete obsolete provisions, must be careful in order to retain the authority of the department to perform the plans review and inspection functions listed.

Can the language of section 553.80(6), F.S. (1998 Supp.), be used to reverse the educational facilities' exemption from local government impact fees?

No. Fees addressed in that section are tied to charges for plans review and inspection of buildings to comply with the Florida Building Code. Note that these fees may only be charged if the state university, community college or public school district *chooses* to use the local government's code enforcement offices.

Local amendments to the Florida Building Code do not apply to educational facilities. How will local building officials separate these out?

Section 553.73(4)(c), F.S. (1998 Supp.)(effective January 1, 2001), is clear that locally adopted amendments to the Florida Building Code are not applicable to state or school district owned buildings. The building code training program and core curriculum should cover such issues for local building officials and ongoing CEU requirements should reinforce that education.