State & Local Land Use & Building Code

This Course is approved by the DBPR Council of Community Association Managers, for 4 hours of continuing education credit in the area of:

Physical Property

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Introduction

The objective of this course is to familiarize students with State and local code requirements as they apply to community associations. Students will review the State Building Code to understand how it protects public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. They will learn how building codes are usually developed and applied by professionals, such as architects and engineers. They will review the International Building Code as it applies to the Florida State and local Building Codes. Students will identify the differences between State laws and regulations regarding buildings and land use, and local ordinances related to land use, zoning, building codes and permitting. They will discuss contractor certification requirements. Students are expected to conclude the course with an understanding of the various codes, how they apply to the community association and its owners, and their role as managers in helping the association and owners adhere to these standards.

The course materials are applicable to condominiums, cooperatives, timeshares, and homeowners' associations. The course is not designed to provide a specific strategy for any one association, but, rather, to help the manager and board by providing sufficient information to make informed decisions for their associations.

Some of the information presented in this course may not apply to every community association. However, the DBPR requires that community association managers be familiar with the laws and rules governing all types of associations. Further, by doing so, a manager may find him- or herself more qualified to advance within the community association management profession.

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Overview of Course Objectives

Whether we like it or not, government is a part of our lives. Association, municipality, county, state, federal are all differing types of government that we interact with every day, sometimes without even realizing it. It is important that we understand how government affects our everyday decision-making, our boards, and our residents, and how we can effectively use our government's resources to help us manage or communities.

In this course, we will learn about some of the government laws that affect associations, boards, residents and managers, how to find information about these laws, and the key provisions of which we need to be aware. We will discuss local land use, zoning and building code requirements and review the permitting process. We will learn how associations can influence land use and zoning processes. We will discuss the responsibility of the association to ensure that unit owners and contractors comply with applicable laws and codes. Finally, we will learn about the importance of using licensed design and construction professionals.

We recommend that managers create a reference book that contains pertinent laws, rules & regulations and guides. The manager may wish to bookmark the Florida Building Code websites for quick reference. The more complete the reference material a manager has on hand, the more readily he can learn important requirements of managing and maintaining an association. Most of the statutes and rules a manager may need are readily available on the Internet.

Some of the information incorporated into this chapter has been extracted directly from federal, state and local laws, regulations, pamphlets, brochures and websites, to ensure accuracy and completeness. This course is for educational purposes only. The author of this course is not an attorney. As a note, please keep in mind that the Florida Supreme Court has ruled that managers may not interpret the law. While managers should become familiar with those laws and rules affecting associations, they should consult with the association attorney any time an interpretation is needed.

Revised Florida Building Code

At one point or another, a community association, and/or its residents, will be engaged in some type of construction, rehabilitation, modification, or changes to its structures or facilities. The Florida Building Code covers every aspect of building in Florida. The Code, which became effective on March 1, 2002, incorporates building, electric, plumbing, mechanical, and administrative codes — accessibility, energy, coastal, manufactured, and state agency codes. The introductory paragraph states:

> "The provision of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures."

The intent of the Florida Building Code is to "establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations."

The Florida Building Code was authorized by the 1998 Florida Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities. While the law allows for differences in the standards in different locales based on compelling differences in physical conditions, it created procedures so that there will not be unwarranted differences among differing municipalities and counties. The law also mod-

eled much of the Code after a national model building code.

The Florida Building Code is very broad and covers almost any type of construction, repair, alteration, modification or change that may occur within a building or unit. The Code is separated into three key sections, new, residential, and existing. Furthermore, there are other sections that cover specialty codes, such as plumbing or electrical. In all, the Codes are referred to as the "Florida Building Code." In some cases, a professional or general contractor must pull a permit to perform the work specified in a Code. In some circumstances, an owner may pull a permit for work performed in his residence; nonetheless, he must still meet Code requirements.

The Building Code incorporates by reference:

Gas: Applies to installation of gas piping from the point of delivery, gas appliances & related accessories as covered in the Gas Code, and to gas piping systems from the point of delivery to inlet connections of appliances and installations, operation of residential and commercial gas appliances, and related accessories.

Mechanical: Applies to installation, alterations, repairs and replacements of mechanical systems, including equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

Plumbing: Applies to installation, alterations, repairs and replacements of mechanical systems of plumbing systems, including equipment, appliances, fixtures, fittings, and/or appurtenances, and, where connected to a water or sewage system, and all aspects of a medical gas system.

Fire Prevention: (Florida Fire Prevention Code) Applies to matters affecting or relating to structures, processes & premises from the hazard of fire & explosion arising from the storage, handling, or use of structures, materials, or devices; from conditions hazardous to life, property, or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression systems or alarm systems or fire hazards in the structure or the premises from occupancy or operation.

Energy: Applies to residential & commercial buildings. Applies statewide and shall not be made more stringent or lenient by local government action. Regulates designs, construction of buildings for effective use of energy intended to provide flexibility to permit use of innovative approaches & techniques to achieve effective use of energy. No intended to abridge safety, health or environmental requirements in other applicable laws, codes or ordinances.

Accessibility: Applies during the design, construction, additions to, and alteration of sites, facilities, buildings, and elements. Applies to: All areas of newly designed and newly constructed buildings and facilities as determined by the ADA Standards for Accessible Design; portions of altered buildings and facilities as determined by the ADA Standards for Accessible Design; a building or facility that is being converted from residential to nonresidential or mixed use as defined by the Florida Building Code where such building or facility must, at a minimum, comply with s. 553.508, F.S., and the requirements for alterations as determined by the ADA Standards for Accessible Design; buildings and facilities where the original construction or any former alteration or renovation was carried out in violation of applicable permitting law. Applies to all new or altered public buildings and facilities, private buildings and facilities, places of public accommodation, and commercial facilities subject to the accessibility code. Establishes standards for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. Also applies to private clubs pursuant to Section 553.505, F.S.; and to residential buildings pursuant to Section 553.504(2), F.S., and the ADA Standards for Accessible Design. It is to be applied during the design construction and alteration of such buildings and facilities as required by this code. This code establishes standards for accessibility to places of public ac-

commodation and commercial facilities by individuals with disabilities. All new or altered private buildings and facilities, places of public accommodation and commercial facilities subject to this code shall comply with this code. This code is not intended to expand or diminish the defenses available to a place of public accommodation or a commercial facility under the Americans with Disabilities Act and the ADA Standards for Accessible Design, including, but not limited to, the readily achievable standard, and the standards applicable to alterations to places of public accommodation and commercial facilities

It shall be the responsibility of each local government and each code enforcement agency established pursuant to Section 553.80 to enforce the provisions of this part. This act expressly preempts the establishment of handicapped accessibility standards to the state and supersedes any county or municipal ordinance on the subject. However, nothing in this section shall prohibit municipalities and counties from enforcing the provisions of this act.

Manufactured Homes: All mobile/manufactured homes must be constructed in accordance with regulations of the U.S. Department of Housing and Urban Development (HUD) which are entitled the Manufactured Housing Construction and Safety Standards. These regulations were amended in 1994 to better ensure that mobile/manufactured homes can withstand strong winds. In addition, all mobile/manufactured homes must be installed in accordance with Rule Chapter 15C-1, Florida Administrative Code (F.A.C.), which is among the most stringent mobile/manufactured home installation standards in the United States. All mobile/manufactured homes that are installed in Florida must be installed by a licensed mobile/manufactured home installer. Investigations of damage to mobile homes from the 2004 and 2005 hurricanes found that no homes built subsequent to the new HUD construction regulations sustained any significant damage and all homes installed in accordance with Rule 15C-1, F.A.C. tended to also fair well. To ensure the safety of mobile/manufactured homes there are also restrictions on where such homes may be set-up. No mobile/manufactured home can be set-up in Florida unless it was built in accordance with the standards that apply to the Wind Zone applicable to the county where it is to be set-up.

We have included the Tables of Contents in the Appendices for each of the sections. You will noticed how detailed the Codes are, covering every component from flooring to insulation, finishes to windows, and so on. There is also a Hurricane Protocol section, which defines the test protocols from roofing and structural components of buildings. We have included the testing protocols for your reference. The Building Code is available at the myflorida.com website. One cannot reprint or reproduce the contents of it, without purchasing codes (it is copyrighted by the Florida Building Commission). Therefore, we have kept our discussion to general issues and contents.

Exceptions to the Florida Building Code includes federal buildings, railroad facilities, nonresidential farm buildings located on farms, temporary construction trailers and facilities, chickees constructed by the Miccosukees, temporary office structures, or temporary sets for movies or television. Existing buildings undergoing repair, alteration, addition and change of occupancy must comply with Chapter 34 of the Code, and detached one and two person dwellings and multiple single family dwellings with separate entrances that are not more than three stories high must comply with the residential section of Florida Building Code.

The Code does not apply to zoning, land use, or owner specifications or requirements “which do not pertain to or govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities, or to programmatic requirements” that do not pertain to the Code. The Code also provides that local governments may not use the Code to prevent the siting of a publicly owned building, such as correctional facilities, juvenile facilities, educational facilities, etc.

The law established the Florida Building Commission to develop and to oversee the implementation

and revision of the Florida Building Code. The Commission has 23 members representing Engineers, Architect, Contractors, Building Owners and Insurers, State and Local Government and Persons with Disabilities. The Chairman is appointed by and serves at the pleasure of the Governor.

The Florida Building Commission may provide plans review and approval of prototype buildings owned by public entities (e.g., schools, correctional facilities, and state-owned office buildings). While local government permits and inspects these buildings, they are exempt from local government plan review.

The law required the Florida Building Commission to update the Florida Building Code every three years, although the Commission may amend the code once each year to incorporate interpretations and update standards necessary to protect the health, safety and welfare of the public. It may also provide annual updates for amendments that are economically advantageous to consumers.

Local governments may amend the Building Code once every six months to address unique local conditions. Local amendments must be more stringent than the Florida Building Code. Changes to the Building Code by county and municipal governments are appealable to the Florida Building Commission. Adopted local amendments are repealed or incorporated into the code every three years, upon the updating of the Florida Building Code. Local amendments will apply to state or school district owned buildings, manufactured buildings approved by the Florida Building Commission, or prototype buildings approved by the Florida Building Commission. All proposed amendments to the code by either the Commission or a local government must contain a Fiscal Impact Statement.

In addition to the Code, the State created a networked education and training system and a uniform system for the approval of products statewide, as well as procedures for appealing the validity of locally adopted amendments to the Code and local interpretations of the Code.

The State may discipline designers and contractors for repeated violations of code requirements. Licensed designers and contractors committing violations of code requirements posing significant threats to the health or safety of building occupants or substantial degradation of a building's systems can be fined from $500to $5,000, and possibly lose their licenses.

Local government plans examiners are charged with interpreting the Florida Building Code during the plan review process and by the local government building inspector during the construction process as necessary. Any disagreement regarding the interpretation will be resolved first by the building official then by a local board of appeal (if one exists) and finally, by appeal to the Florida Building Commission. Section 103 defines the duties of building officials. Section 105 identifies when a permit is required. It says, in part:

> "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."

The Florida Building Code exempts the following from permits:

- Gas: Portable heating devices or replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.
- Mechanical: Portable heating, ventilation or cooling equipment; steamed, hot or chilled water piping within heating or cooling equipment regulated by the Code; replacement of parts that do not alter approval or make the item unsafe; portable evaporative coolers; small self-contained refrigeration systems; installation, removal or metering of local control devices.

- Plumbing: stopping of leaks in drains, water, soil, waste or vent pipes, unless the pipe is defective or requires replacement; clearage of stoppages and repair of leaks in pipes, values or fixtures, and the removal and reinstallation of water closets (toilets), as long as pipes, values and fixtures are not being replaced.

Note, however, county and municipal governments may require permits for some or all of the above activities.

All products must comply with standards established by the code and the Building Official must approve their use. The Building Code includes criteria for approval of entities that test, evaluate and certify products used to construct or modify buildings. Evaluation entities conduct product evaluations based on tests reports, and/or rational analysis. Testing labs conduct product tests. Certification agencies evaluate products based on tests and/or rational analysis; conduct quality assurance; certify compliance with standards; and list and label products. The State has established quality assurance programs to monitor manufacturing production of approved products. Validation entities certify compliance with standards and certify to the Florida Building Commission that product approval applications are correct. Below we have listed products that must be approved by local building departments using this system or the manufacturer has the option of seeking state approval by the Florida Building Commission:

- Panel Walls
- Exterior Doors
- Skylights
- New and Innovative Building Envelope Products
- Roofing Products
- Windows
- Shutters
- Structural Components

All products in the eight categories must be manufactured with a quality assurance program in place, monitored by a Commission approved quality assurance entity.

The following products are exempt:

- Structural components covered by United States Department of Commerce Product Standards;
- Structural components comprised of materials or products that are assembled or placed in the field may demonstrate compliance by a batch ticket or bill of lading made available at the site of assembly or placement; and
- "Products which are custom fabricated or assembled shall not require separate approval under this section provided the component parts have been approved and the components meet the standards and requirements of the Florida Building Code."

A local building official may deny the use of a product if he substantiates that the product application is inconsistent with the statewide approval. That denial is reviewable by a local board of appeal (if one exists) and then by the Florida Building Commission. The Commission's statewide approval is also subject to review. A product may be approved for local use only by a local jurisdiction.

As we can see, the Florida Building Code is a complex document, one that requires a significant expertise to understand and use. It is important to note that the Florida Building Code includes "use and occupancy" and "maintenance of buildings and structures. If an association fails to properly maintain its buildings and structures, local building officials can require that repairs be made, and may, of they consider the problems significant enough, force residents to move from the building until and unless the association brings the building into compliance with the Florida Building Code and any local amendments. We have seen this happen to a number of older associations over the past few years, many due to concrete deterioration.

Managers should not expect to be experts in the Florida Building Code. However, they should become familiar with it generally, and should rely upon general contractors and other experts to correctly interpret and implement it. Additional information on the Florida Building Code is available on line at http://www2.iccsafe. org/2004_florida_codes/.

Underground Storage Tanks

An underground storage tank system (UST) is a tank and any underground piping connected to the tank that has at least 10 percent of its combined volume underground. The federal UST regulations apply only to underground tanks and piping storing either petroleum or certain hazardous substances. Several hundred substances were designated 101(14) of the Comprehensive Environmental Liability Act of 1980 (CERCLA). An association may use a UST to store fuel to power emergency generators emergency. Some large associations may have onsite USTs in which fuel for equipment or vehicles are stored.

The U.S. Environmental Protection Agency (EPA) estimates that over one million underground storage tank systems (USTs) in the United States contain petroleum or hazardous substances. Many of these USTs have leaked or are currently leaking. Releases from USTs--from spills, overfills, or leaking tanks and piping can cause fires or explosions that threaten human safety. Releases from USTs can also contaminate the underground drinking water. Federal legislation directed the EPA to develop the UST regulations that require owners and operators of USTs to detect and correct problems created by releases from USTs. Congress also banned the installation of unprotected steel tanks and piping beginning in 1985. In addition, the regulations require owners and operators of USTs to demonstrate their ability to pay for correcting the problems created if their USTs do leak.

In 1986, Congress created the Leaking Underground Storage Tank Trust Fund, which is to be used for two purposes:

1. To oversee cleanups by responsible parties.
2. To pay for cleanups at sites where the owner or operator is unknown, unwilling, or unable to respond, or which require emergency action.

The 1986 amendments also established financial responsibility requirements, which require UST owners and operators to demonstrate they are financially capable of cleaning up releases and compensating third parties for resulting damages.

Certain USTs do not need to meet federal requirements, including:

- Farm and residential tanks of 1,100 gallons or less capacity holding motor fuel used for non-commercial purposes
- Tanks storing heating oil used on the premises where it is stored
- Tanks on or above the floor of underground areas, such as basements or tunnels
- Septic tanks and systems for collecting storm water and wastewater and Flow-through process tanks
- Tanks of 110 gallons or less capacity
- Emergency spill and overfill tanks.

Florida has specific requirements for some of these tanks, which we will discuss later in this chapter.

In 1988, EPA issued UST regulations divided into three sections: technical requirements, financial responsibility requirements, and state program approval objectives (as described below). EPA's

technical regulations for USTs are designed to reduce the chance of releases from USTs, detect leaks and spills when they do occur, and secure a prompt cleanup. UST owners and operators are responsible for reporting and cleaning up any releases. The financial responsibility regulations designed to ensure that, in the event of a leak or spill, an owner or operator will have the resources to pay for costs associated with cleaning up releases and compensating third parties. EPA recognizes that, because of the large size and great diversity of the regulated community, state and local governments are in the best position to oversee USTs. Subtitle I of RCRA allows state UST programs approved by EPA to operate in lieu of the federal program, and EPA's state program approval regulations set standards for state programs to meet.

The EPA publishes several guides to UST requirements, including Musts For USTs: A Summary Of Federal Regulations For Underground Storage Tank Systems. We recommend that, if your association has a UST, you obtain a copy of this document. Additional information can also be found at http://www.epa.gov/swerust1/.

Elevator Safety (Chapter 399, F.S.)

The Elevator Safety Act applies to elevators, escalators, personnel and material hoists, man lifts, mobile scaffolds, towers and platforms, cranes, derricks, tiered or piling machines, wharf ramps, automobile parking lifts, power-driven walkways, and other mobile hoisting or lifting machines or equipment. It provides design and construction standards, requirements for operation, inspection, testing, and maintenance. The Act also identifies the requirements in altering and repairing elevators and other mobile equipment. It also outlines elevator accessibility requirement for physically disabled persons. The Act provides that certificates of operations cannot be issues for more than 2 years (24 months), and requires inspections prior to issuance of new certificates of operation. It requires any entity with an elevator or other equipment covered within the Act to annually file a statement verifying the existence and performance of each service maintenance contract, and to notify the Division of Hotels & Restaurants whenever a contract is cancelled or terminated.

The Act requires buildings to notify the Division of Hotels & Restaurants within 5 working days after any accident, and provides a file of up to $1,000 for failure to do so. The Act also provides of penalties and disciplinary procedures for violations of the Act.

The Act establishes an Elevator Safety Technical Committee, with the requirement that it annually review the Safety Code for Elevators and Escalators and related codes and recommend to the Florida Building Commission revisions to protect the public health, safety and welfare.

Chapter 61C-5. Florida Elevator Safety Code, of the Florida Administrative Code provides additional detail for operation, alterations and repair of elevator and other covered equipment. It incorporates by reference the American National Standard Safety Code for elevators and escalators (ASME A, 17.1), the American National Standard Inspectors Manual for Electric Elevators (ASME 17.2.1), the Uniform Fire Safety Standards for Elevators (Chapter 4A-47, F.AC.), among others. This Chapter also provides numbering rules form elevators, provides rules for installation and use of emergency stop and In-Car stop switches, and outlines fees and costs. Subsection 61C-5.004 specifically outlines where and how bulletin boards in an elevator may be placed, the materials to be used, and the manner in which the bulletin board must be secured.

Managers should include a copy of Chapter 399, F.S., and Chapter 61C-5, F.A.C., in their reference book of pertinent laws and regulations.

Fire Safety Code

Chapter 633, Florida Statutes establishes the Fire Safety Code (Florida Administrative Code [F.A.C.] 69A-60). It names the Chief Financial Officer as "State Fire Marshal." The State Fire Marshal adopts rules consistent with National Fire Protection Association's Standard 1, Fire Prevention

Code to "protect all Floridians from fire hazards with the social and economic inconveniences that may be caused or created by the rules." Incorporated into the rules are the Florida Fire Prevention Code and the Life Safety Code. The statutes hold the State Fire Marshal responsible for minimizing loss of life and property due to fire. He also enforces all laws and provisions for:

- Prevention of fire and explosion through the regulation of conditions which could cause fire or explosion, the spread of fire, and panic resulting fires or explosions
- Installation & maintenance of fire alarm systems and fire protection systems, including fire suppression systems, fire-extinguishing equipment, and fire sprinkler systems
- Servicing, repairing, recharging, testing, marking, inspecting, installing, maintaining, and tagging of fire extinguishers, pre-engineered systems, and individually designed fire protection systems
- Training and licensing of professionals who service, repair, recharge, test, mark, inspect, install, maintain, and tag fire extinguishers, reengineered systems, and individually designed fire protection systems
- Maintenance of fire cause and loss records
- Suppression of arson and the investigation of the cause, origin, and circumstances of fire.

The Fire Marshall is required to review the Fire Code every three years. Generally, the State Fire Marshall delegates his responsibility to local county or municipal fire officials. However, in counties where there are no fire officials, the State Fire Marshall takes responsibilities for the functions described above.

Local governments can apply to have amendments added to the Fire Code, which the Fire Marshall can adopt for the entire state, permit for that local jurisdiction only, or reject

The law gives the Fire Marshall the right to adopt uniform fire safety standards to "protect the public health, safety, and welfare governing the construction and utilization of certain buildings and structures." These standards apply to:

- All new, existing, and proposed state-owned and state-leased buildings
- All new, existing, and proposed hospitals, nursing homes, assisted living facilities, adult family-care homes, correctional facilities, public schools, transient public lodging establishments, public food service establishments, elevators, migrant labor camps, mobile home parks, lodging parks, recreational vehicle parks, recreational camps, residential and nonresidential child care facilities, facilities for the developmentally disabled, motion picture and television special effects productions, and self-service gasoline stations.

A local government may not require more stringent uniform fire safety standards except to meet special situations arising from historic, geographic, or unusual conditions. It may authorize equivalent alternative standards for buildings or structures as long as the standards are not less stringent than the State standards. Local governments can require more stringent uniform fire safety standards for sprinkler systems in buildings for which the construction contract is let after January 1, 1994, if the local government has adopted by ordinance:

- A fire service facilities and operation plan that outlines goals and objectives for related equipment, personnel, and capital improvement needs of the local authority for the next 5 years
- A provision requiring proportionate reductions in, or rebate or waivers of, impact or other fees or assessments levied on buildings that are built or modified in compliance with the more stringent sprinkler standards

- A plan that requires buildings specified to be equipped with an automatic sprinkler system installed in compliance with the provisions prescribed in standards as established by the National Fire Protection Association and adopted by the State Fire Marshal.

Chapter 633 also establishes a Fire Safety Board, which serves in an advisory capacity to the Fire Marshall regarding rules, codes, standards, interpretations, and training.

Some of the standards of the Florida Fire Code (F.A.C. 69A-60) include:

- Portable Fire Extinguishers
- Medium- and High-Expansion Foam Systems [1,2]
- Halon 1301 Fire Extinguishing Systems
- Installation of Air-Conditioning and Ventilating Systems
- Types of Building Construction
- Ovens & Furnaces
- Dry & Wet Chemical Extinguishing Systems
- National Electrical Code
- Fire Doors and Fire Windows
- Fire Tests of Roof Coverings
- Low-Expansion Foam
- Carbon Dioxide Extinguishing Systems
- Installation of Sprinkler Systems
- Emergency and Standby Power Systems
- Fire Walls and Fire Barrier Walls
- Fire Hose Connections
- Fire Test for Window and Glass Block Assemblies [3]
- National Fire Alarm Code [4]
- Incinerators and Waste and Linen Handling Systems and Equipment
- Fire Characteristics of Mattresses and Bedding Assemblies

The State Fire Code requires that high-rise buildings have an approved, supervised automatic sprinkler system, with certain exceptions. Additionally, the Fire Code requires high-rise building to have engineered life safety systems, such as hard-wired alarm systems and fire doors. The Code defines a high-rise building as any building greater than 75 feet. However, Condominium, cooperative or multi-family residential building less than four (4) stories with corridor providing means of egress is exempt from installing manual fire alarm system.

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1 **Compressed Air Foam System (CAFS).** A system employing compressed air foam discharge devices or hoses attached to a piping system through which foam is transported from a mixing chamber. Discharge of CAFS begins with automatic activation of a detection system, or manual actuation that opens valves permitting compressed air foam generated in the mixing chamber, to flow through a piping system and discharged over the area served by the discharge devices or hoses.

2 Medium-expansion foams are utilized for poisonous vapor or fume suppression. High-expansion foams are best suited for three-dimensional fires, but are also utilized to suppress liquid spill fires.

3 This standard prescribes standardized fire and hose stream test procedures that apply to the evaluation of fire window assemblies, including windows, glass block, and other light-transmitting assemblies intended to retard the spread of fire through openings in fire resistance–rated walls. This standard provides a method for comparing the performance of fire window assemblies.

4 Covers the application, installation, location, performance, inspection, testing, and maintenance of fire alarm systems, supervising station alarm systems, public emergency alarm reporting systems, fire warning equipment and emergency communications systems (ECS), and their components.

The Condominium Act, 718.112 (2)(l), F.S., and the Cooperative Act, 719.1055(5), F.S., require each association to provide a certificate of compliance with applicable fire and life safety codes. These sections also permit an association to opt out of the retrofit of the common elements and units with fire sprinkler or other "engineered life safety system" if two-thirds of all voting interests have voted to forego the retrofit, with the exception of high rise buildings. High-rise associations are not permitted to opt out of retrofitting fire sprinklers in common areas, including enclosed hallways, corridors, lobbies, stairwells, or entryways. The association must take the opt out vote by limited proxy or ballot at a duly called member meeting, or by "execution of a written consent" of a meeting. Associations opting out of the requirement must annually provide notice to unit owners within 30 days after the vote, must give notice to each new owner or lessee, and must send a notice to the State Division of Florida Land Sales, Condominiums & Mobile Homes (DFCTSMH) of the opt out. If the association chooses to retrofit, it must report the per-unit cost of the retrofit to DFCTSMH. By December 31, 2016, associations not in compliance with requirements of fire sprinkler system and not voted to forego retrofitting must initiate application for building permit for required installation demonstrating that association will become compliant by December 31, 2019.

Florida statutes require that housing for older persons be protected by approved, handrails and guardrails[5] no later than January 1, 2014. This includes common elements, limited common elements and units. An association must provide certificate of compliance from licensed electrical contractor or electrician as evidence of compliance with applicable handrails and guardrails. Common areas means stairwells and exposed, outdoor walkways and corridors. Members may vote to forego retrofitting handrails and guardrails by affirmative vote of two-thirds of all voting interests. However, association may not vote to forego retrofitting with handrails and guardrails of common areas in a high-rise building. Members must vote by ballot personally cast at duly called membership meeting, or by execution of written consent by member. A vote to forego retrofitting is effective upon recording of certificate attesting to such vote in public records of county where association is located. The association must provide each member written notice of results of vote to forego retrofitting of required handrails or guardrails, or both, in at least 16-point bold type, by certified mail, within 20 days after association's vote. After such notice is provided to each member, copy of such notice shall be provided by current member to new member prior to closing date of sale and shall be provided by member to renter prior to signing a lease. DFCTSMH must report annually to Division of State Fire Marshal in Department of Financial Services the number of condominiums that have elected to forego retrofitting.

The Code requires that all units and common areas have hard-wired smoke detectors. Additionally, the Code requires a minimum number of fire extinguishers, based upon the type building, number of floors, associated facilities, etc. Uniform Fire Code (NFPA 1, paragraph 10.11.7) prohibits any multi-unit building (of more than 2 units), from using a hibachi,[6] gas fire grill, charcoal grill, or similar device for cooking, heating or any other purpose on a balcony or overhanging portion of building, or within 10 ft. of any structure In most counties and municipalities, fire official inspect buildings on an annual basis, to verify that required equipment, including smoke detectors and fire extinguishers, are present and working. We recommend that managers obtain a copy of the specific requirements from their local fire department. We also recommend that managers check fire extinguishers and smoke detectors and notify owners of necessary repairs, and make repairs to common elements as part of the annual unit inspection process.

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[5] A railing at the side of a staircase or balcony to prevent people from falling.

[6] A portable barbecue of Japanese design, with a base for the fire with vents under it and one or more adjustable cooking racks

Pool Requirements

As discussed in the Community Association Manager prelicensure course, Chapter 514, F.S. and F.A.C. 64E-9 regulate "public" swimming pools and spas. The statute defines a public swimming pool as "a watertight structure of concrete, masonry or other approved materials," located indoors or outside, used for "bathing or swimming by humans." Public swimming pools use filtered disinfected water. All associations having a pool or spa with 33 or more units are regulated by the State Department of Health. The Department issues an annual operating license, which is to be posted in a conspicuous place.

Pools must comply with the federal Virginia Graeme Baker Pool and Spa Safety Act by requiring public swimming pool & spa drain covers & grates to be equipped with an anti-entrapment system or device. Pools built before 1/1/1993, with a single main drain, must be equipped with at least one of the following:

- Safety vacuum release system that stops operation of the pump; reverses circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected
- A suction limiting vent system with a tamper-resistant, atmosphere
- An automatic pump shut-off system
- A gravity drainage system that uses a collector tank
- A device or system that disables the drain

Requirements for public swimming pools include the following**:**

- pool covers and blankets can be used only when pool is closed
- dressing rooms must have a smooth slip-resistant floor finish and slope to floor drains
- pH of the pool water must be maintained at 7.2-7.8
- free active chorine residual must be at least one part per million
- artificial lighting must be provided at all swimming pools that are used at night

F.A.C. 64E-9.004 details the operational requirements for pools and spas – water quality, chemical content, bacteriological quality, etc. The chemical specifications include:

- shepherd's hook attached to pole not less than 16 feet in length
- minimum of one 19 inch diameter lifesaving ring with sufficient rope to reach all parts of the pool
- pools greater than 50 feet must have multiple shepherds' hooks and at least one lifesaving ring per side
- spas and wading pools under 200 square feet are exempt
- depth and other warnings such as no diving must be permanently set onto the coping and pool deck in a tile or like material; stenciling is no longer permitted.

Posted rules must include:

- hours of operation
- maximum number of persons who may be in pool
- requirement to shower before entering the pool
- requirement banning food, drink, or animals from pool or pool deck.

The State requires that the association test the pool water every 24 hours to ensure that it maintains the correct chlorine and PH levels. For a manager who works only 5 days a week, this means he should use a maintenance or cleaning person who works weekends, or find a volunteer, to read and log the chemical balance. Pool waste water must be cleaned before re-entering the pool. Swimming pools are required to have one turnover of water every 6 hours, and spas are required to have a minimum of one turnover every 30 minutes. The turnover rate determines the size of the pump needed; for a 100,000 gallon pool to turn over every size hours, the pump must remove 278 gallons a minute. The Department of Health must approve any changes in the system used to clean the waste water. New pools are required to have automated feeders for their chemicals. These feeders monitor the chemical balances throughout the day, and make adjustments to keep the chemicals at the appropriate level.

A few of the additional requirements include:

- Pool free of floating materials, sediment, dirt, algae
- Main drain is visible, and gutters/drains covered by a fully intact grate.
- Skimmers have weir in place
- Life hock and life ring with rope is accessible
- Flow meter is present and working
- Heated pools and spas have working in-line thermometer
- Vacuum filter systems have vacuum gauge of 0-30 in Hg on the suction side
- Pressure filter systems have 0-60 P.S.I gauges mounted before and after the filter
- Equipment room has proper drainage, forced or cross ventilation.

The Florida Administrative Code also requires that pools use approved and properly sized chlorine feeders and PH adjustment feeders. It further requires that the PH adjustment feeders must interlock with the recirculation pump.

Note that, in many counties, the Department of Health makes periodic unannounced inspections. If the inspector finds a problem, he may just cite the association, or, if the violation is serious or the inspector has found the association to be unresponsive in the past, the inspector may close the pool. The association must correct the problems the inspector found before reopening the pool.

Major modifications and repairs to the pool or spa require approval by the Department of Health before the plans are submitted to the local building code official. If the association does not submit these and get DOH approval, DOH inspectors can stop the work, or can require that the work be redone to meet DOH requirements.

We recommend that managers use a checklist for daily pool inspections, and incorporate into the maintenance routine inspecting the pool to assure that it meets all state requirements. Additionally, the manager should get to know the inspector for his area. A cordial relationship helps the association. For instance, an inspector may give the manager advance notice of a problem before he issues an official report, thus giving the manager time to correct the problem.

Mangrove Protection

Mangroves are trees that grow in intertidal salty environments because they can tolerate frequent flooding and are able to obtain fresh water from salt water. Some species secrete excess salt through their leaves, whereas others block absorption of salt at their roots.

Florida's estimated 400,000–500,000 acres of mangrove forests contribute to the overall health of

the state's southern coasts. Mangroves trap and cycle pollutants, chemical elements, and inorganic nutrients. Mangrove roots not only act as physical traps but also provide attachment surfaces for marine organisms such as barnacles and oysters. Many of these attached organisms, especially blue-green algae, filter water and trap and cycle nutrients. The importance of mangroves to their associated marine life cannot be overemphasized. Mangroves provide protected nursery areas for fish, crustaceans, and shellfish. They also function as the basis of the food chain for a multitude of marine species such as snook, snapper, tarpon, jack, sheepshead, red drum, oysters, crabs, and shrimp. Florida's important recreational and commercial fisheries will drastically decline without healthy mangroves. Animals find shelter in mangrove roots and branches, and the branches serve as rookeries (nesting areas) for coastal birds such as egrets, herons, brown pelicans, and roseate spoonills. Many migratory birds also depend on large mangroves for food and shelter.

People living along south Florida coasts benefit in many ways from mangroves. In addition to providing fish habitats, mangrove forests protect uplands from storm winds, waves, and floods. The amount of protection afforded by mangroves depends upon the width of the forest. A very narrow fringe of mangroves offers less protection, but a wide expanse of forest can absorb wave energy and thus considerably reduce water damage to property. Mangroves help prevent erosion by stabilizing shorelines with their specialized root systems. They also remove pollutants and, by slowing wave action, maintain water quality and clarity.

Although mangroves can be damaged by natural events, human destruction of mangroves has been extensive. State and local regulations have been enacted to protect Florida's mangrove forests. Mangroves cannot be removed, pruned, or disturbed on either state or private land without a permit from the Department of Environment Protection (DER). Sections 403.9321-403.9333, FS., Mangrove Trimming and Preservation Act, protects mangroves, provides conditions under which mangroves may be trimmed or removed, and defines remediation efforts required when mangroves are removed. F.S. 403.9323, states, in part:

- Prohibits trimming or alteration of mangroves on uninhabited islands which are publicly owned or on lands set aside for conservation and preservation, or mitigation, except where necessary to protect the public health, safety, and welfare, or to enhance public use of, or access to, conservation areas in accordance with approved management plans.
- Allows mangrove trimming in riparian mangrove fringes without prior government approval when the trimming activities will not result in the removal, defoliation, or destruction of the mangroves.
- Encourages waterfront property owners to voluntarily maintain mangroves, encourage mangrove growth, and plant mangroves along their shorelines.
- Requires trimming of mangroves on multifamily residential unit sites in an equitable distribution of the riparian rights provided herein.

"Riparian mangrove fringe" are mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land. They do not include mangroves on uninhabited islands, or public lands that have been set aside for conservation or preservation, or mangroves on lands that have been set aside as mitigation.

The department can delegate its authority to regulate trimming and alteration of mangroves to local governments, upon its request. Those counties to which DER has delegated responsibility for mangroves can further delegate their authority to municipalities. The county or municipality then is responsible for regulating mangroves also issues permits for trimming and maintaining them. Counties and municipalities may have more stringent requirements for trimming mangroves, although they cannot prohibit trimming altogether. The statutes prohibit anyone from altering or trimming any mangrove without the express permission of DER or the county or local government, as

applicable. Individuals must consider alternatives to reduce or mitigate the impact on mangroves.

DER requires a general permit to trim mangroves when:

- The trimming is supervised or conducted exclusively by a professional mangrove trimmer
- The mangroves subject to trimming under the permit do not extend more than 500 feet waterward as measured from the trunk of the most landward mangrove tree in a direction perpendicular to the shoreline
- No more than 65 percent of the mangroves along the shoreline which exceed 6 feet in pretrimmed height as measured from the substrate will be trimmed, and no mangrove will be trimmed so that the overall height of any mangrove is reduced to less than 6 feet as measured from the substrate; and
- No herbicide or other chemical will be used for the purpose of removing leaves of a mangrove.
- The mangroves are located on lands owned or controlled by the professional mangrove trimmer or by the person contracting with the professional mangrove trimmer to perform the trimming activities, or on sovereign submerged lands immediately waterward and perpendicular to such lands.
- The trimming is limited to those portions of branches or trunks of mangroves which extend into the navigation channel beyond a vertical plane of the most waterward prop root or root system.

DER requires that trimming be conducted in stages so that no more than 25 percent of the foliage is removed annually. Associations must file a notice of intent to trim and receive a permit prior to beginning the trimming. When mangroves are trim on multifamily properties, such as within an association, the 65-percent shoreline trimming limit must be equitably distributed so that each owner's riparian view is similarly affected.

DER requires any area in which 5 percent or more of the trimmed mangrove trees have been trimmed below 6 feet in height, destroyed, defoliated, or removed as a result of trimming be restored or mitigated. The association must accomplish restoration by replanting mangroves, in the same location and of the same species as the mangroves destroyed, defoliated, removed, or trimmed, to achieve within 5 years a canopy area equivalent to the area affected. Additionally, where all or a portion of the restoration or mitigation is not practicable, the association must offset the damage by donating a sufficient amount of money to offset the impacts, to be used for the restoration, enhancement, creation, or preservation of mangrove wetlands within a restoration, enhancement, creation, or preservation project approved by the department or delegated local government, or by purchasing credits from a mitigation bank at a mitigation ratio of 2-to-1 credits to affected area. The donation must be equivalent to the cost based on canopy area. The donation may not be less than $4 per square foot of created wetland area.

DER takes preservation of mangroves seriously. Associations that have improperly trimmed or removed mangroves have faces significant fines and have been required to pay substantial amounts of money to replace the mangroves damaged or destroyed. We strongly recommend that the manager work closely with DER or the applicable county or local government to assure mangrove trimming is properly performed.

Green Buildings & LEED Program

While routine and unscheduled maintenance are not conducive to creating a green, environmentally friendly building, preventive maintenance is a good time to consider transforming certain components, equipment, and machinery to more environmentally healthy systems.

Green Building, also known as green construction or sustainable building, is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle: from siting to design, construction, operation, maintenance, renovation, and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort.

Although new technologies are constantly being developed to complement current practices in creating greener structures, the common objective is that green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by:

- Efficiently using energy, water, and other resources
- Protecting occupant health and improving employee productivity
- Reducing waste, pollution and environmental degradation

A similar concept is natural building, which is usually on a smaller scale and tends to focus on the use of natural materials that are available locally. Other related topics include sustainable design and green architecture.

- Materials efficiency: Building materials typically considered to be 'green' include rapidly renewable plant materials like bamboo (because bamboo grows quickly) and straw, lumber from forests certified to be sustainably managed, ecology blocks, dimension stone, recycled stone, recycled metal, and other products that are non-toxic, reusable, renewable, and/or recyclable (e.g. Trass, Linoleum, sheep wool, panels made from paper flakes, compressed earth block, adobe, baked earth, rammed earth, clay, vermiculite, flax linen, sisal, seagrass, cork, expanded clay grains, coconut, wood fiber plates, calcium sand stone, concrete (high and ultra high performance, roman self-healing concrete), etc.) The EPA (Environmental Protection Agency) also suggests using recycled industrial goods, such as coal combustion products, foundry sand, and demolition debris in construction projects. Polyurethane heavily reduces carbon emissions as well. Polyurethane blocks are being used instead of CMTs by companies like American Insulock. Polyurethane blocks provide more speed, less cost, and they are environmentally friendly. Building materials should be extracted and manufactured locally to the building site to minimize the energy embedded in their transportation. Where possible, building elements should be manufactured off-site and delivered to site, to maximize benefits of off-site manufacture including minimizing waste, maximizing recycling (because manufacture is in one location), high quality elements, better OHS management, less noise and dust.
- Energy efficiency: Green buildings often include measures to reduce energy use. To increase the efficiency of the building envelope, (the barrier between conditioned and unconditioned space), they may use high-efficiency windows and insulation in walls, ceilings, and floors. Another strategy, passive solar building design, is often implemented in low-energy homes. Designers orient windows and walls and place awnings, porches, and trees to shade windows and roofs during the summer while maximizing solar gain in the winter. In addition, effective window placement (daylighting) can provide more natural light and lessen the need for electric lighting during the day. **Solar water heating** further reduces energy loads.

  Onsite generation of **renewable energy** through **solar power**, **wind power**, **hydro power**, or **biomass** can significantly reduce the environmental impact of the building. Power generation is generally the most expensive feature to add to a building.
- Water efficiency: Reducing water consumption and protecting water quality are key objectives in sustainable building. One critical issue of water consumption is that in many areas of

the country, the demands on the supplying aquifer exceed its ability to replenish itself. To the maximum extent feasible, facilities should increase their dependence on water that is collected, used, purified, and reused on-site. The protection and conservation of water throughout the life of a building may be accomplished by designing for dual plumbing that recycles water in toilet flushing. Waste-water may be minimized by utilizing water conserving fixtures such as ultra-low flush toilets and low-flow shower heads. Bidets help eliminate the use of toilet paper, reducing sewer traffic and increasing possibilities of re-using water on-site. Point of use water treatment and heating improves both water quality and energy efficiency while reducing the amount of water in circulation. The use of non-sewage and greywater for on-site use such as site-irrigation will minimize demands on the local aquifer.

Personal temperature and airflow control over the HVAC system coupled with a properly designed building envelope will also aid in increasing a building's thermal quality. Creating a high performance luminous environment through the careful integration of natural and artificial light sources will improve on the lighting quality of a structure.

- Waste reduction**:** Green architecture also seeks to reduce waste of energy, water and materials used during construction. During the construction phase, one goal should be to reduce the amount of material going to **landfills**. Well-designed buildings also help reduce the amount of waste generated by the occupants as well, by providing on-site solutions such as **compost bins** to reduce matter going to landfills.

  To reduce the impact on wells or water treatment plants, several options exist. "Greywater", wastewater from sources such as dishwashing or washing machines, can be used for subsurface irrigation, or if treated, for non-potable purposes, e.g., to flush toilets and wash cars. Rainwater collectors are used for similar purposes.

  Centralized wastewater treatment systems can be costly and use a lot of energy. An alternative to this process is converting waste and wastewater into fertilizer, which avoids these costs and shows other benefits. By collecting human waste at the source and running it to a semi-centralized biogas plant with other biological waste, liquid fertilizer can be produced. This concept was demonstrated by a settlement in Lubeck Germany in the late 1990s. Practices like these provide soil with organic nutrients and create carbon sinks that remove carbon dioxide from the atmosphere, offsetting greenhouse gas emission. Producing artificial fertilizer is also more costly in energy than this process.

- Operations and maintenance optimization**:** No matter how sustainable a building may have been in its design and construction, it can only remain so if it is operated responsibly and maintained properly. Ensuring operations and maintenance (O&M) personnel are part of the project's planning and development process will help retain the green criteria designed at the onset of the project. Every aspect of green building is integrated into the O&M phase of a building's life. The addition of new green technologies also falls on the O&M staff. Although the goal of waste reduction may be applied during the design, construction and demolition phases of a building's life-cycle, it is in the O&M phase that green practices such as recycling and air quality enhancement take place.

- Cost**:** The most criticized issue about constructing environmentally friendly buildings is the price. Photo-voltaics, new appliances, and modern technologies tend to cost more money. Most green buildings cost a premium of <2%, but yield 10 times as much over the entire life of the building. The stigma is between the knowledge of up-front cost vs. life-cycle cost. The savings in money come from more efficient use of utilities which result in decreased energy bills. Also, higher worker or student productivity can be factored into savings and cost deductions. Studies have shown over a 20 year life period, some green buildings have yielded $53 to $71 per square foot back on investment. It is projected that different sectors could

save $130 Billion on energy bills.

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System, developed by the U.S. Green Building Council (USGBC), provides a suite of standards for the environmentally sustainable design, construction and operation of buildings and neighborhoods. Since its inception in 1998, LEED has grown to encompass more than 14,000 projects in the United States and 30 countries covering 1.062 billion square feet (99 km²) of development area. The hallmark of LEED is that it is an open and transparent process where the technical criteria proposed by the LEED committees are publicly reviewed for approval by the more than 10,000 membership organizations that currently constitute the USGBC.

Individuals recognized for their knowledge of the LEED rating system are permitted to use the LEED Accredited Professional (AP) acronym after their name, indicating they have passed the accreditation exam given by the Green Building Certification Institute (a third-party organization that handles accreditation for the USGBC).

Buildings represent 38.9% of US primary energy use. Buildings are one of the heaviest consumers of natural resources and account for a significant portion of the greenhouse gas emissions that effect climate change. In the US, buildings account for 38% of all CO2 emissions. Buildings represent 72% of US consumption. Building use 13.6% of all potable water, or 15 trillion gallons per year. Buildings use 40% of raw materials globally (3 billion tons annually).

EPA estimates that 136 million tons of building related construction and demolition debris was generated in the US in a single year. Compare that to 254 million tons of municipal solid waste generated in the same year. The three largest segments for non-residential green building construction - office, education and healthcare will account for more than 80% of total non-residential construction.

LEED certified buildings theoretically use resources more efficiently when compared to conventional buildings which are simply built to code. LEED certified buildings often provide healthier work and living environments, which contributes to higher productivity and improved employee health and comfort. The USGBC has compiled a long list of benefits of implementing a LEED strategy which ranges from improving air and water quality to reducing solid waste, benefiting owners, occupiers, and society as a whole.

Often when a LEED rating is pursued, this will increase the cost of initial design and construction. One reason for the higher cost is that sustainable construction principles may not be well understood by the design professionals undertaking the project. This could require time to be spent on research. Some of the finer points of LEED (especially those which demand a higher-than-industry-standard level of service from the construction team) could possibly lead to misunderstandings between the design team, construction team, and client, which could result in delays. Also, there may be a lack of abundant availability of manufactured building components which meet LEED standards. Pursuing LEED certification for a project is an added cost in itself as well. This added cost comes in the form of USGBC correspondence, LEED design-aide consultants, and the hiring of the required Commissioning Authority (CxA) - all of which would not necessarily be included in an environmentally responsible project unless it were also seeking a LEED rating.

However, these higher initial costs can be effectively mitigated by the savings incurred over time due to the lower-than-industry-standard operational costs which are typical of a LEED certified building. Additional economic payback may come in the form of employee productivity gains incurred as a result of working in a healthier environment. Studies have suggested that an initial upfront investment of 2% extra will yield over ten times the initial investment over the life cycle of the building.

Further, the USGBC has stated support for the Architecture 2030, an effort that has set a goal of

using no fossil-fuel, greenhouse gas-emitting energy to operate by 2030.

LEED has been innovative in reuse of reclaimed building materials, such as the reusing of asbestos as the insulation in water heaters, and re-casting used copper pipes into copper fittings. This is estimated to have saved close to 5000KW/h's in the United States alone.

LEED is a measurement tool for green building in the United States and it is developed and continuously modified by workers in the green building industry, especially in the ten largest metro areas in the U.S.; however, LEED certified buildings have been slower to penetrate small and mid-major markets. Also, some criticism suggests that the LEED rating system is not sensitive and does not vary enough with regard to local environmental conditions. For instance, a building in Maine would receive the same credit as a building in Arizona for water conservation, though the principle is more important in the latter case. Another complaint is that its certification costs require money that could be used to make the building in question even more sustainable. Many critics have noted that compliance and certification costs have grown faster than staff support from the USGBC.

For existing buildings LEED has developed LEED-EB. Recent research has demonstrated that buildings which can achieve LEED-EB equivalencies can generate a tremendous ROI. In a recent white paper by the Leonardo Academy comparing LEED-EB buildings vs. data from BOMA's Experience Exchange Report 2007 demonstrated LEED-EB certified buildings achieved superior operating cost savings in 63% of the buildings surveyed ranging from $4.94 to $15.59 per square foot of floor space, with an average valuation of $6.68 and a median valuation of $6.07.

In addition the overall cost of LEED-EB implementation and certification ranged from $0.00 to $6.46 per square foot of floor space, with an average of $2.43 per square foot demonstrating that implementation is not expensive, especially in comparison to cost savings. These costs should be significantly reduced if automation and technology are integrated into the implementation.

Gold Coast Professional Schools offers LEED Certifications for the LEED Green Associate. It provides entry level, basic, general core knowledge in the field. Also available are the LEED AP, and the LEED Fellow, offered by the US Green Building Council (USGBC). The Council has available study and reference materials to assist managers who wish to pursue green building alternatives.

Model Green Program

Launched in March 2004, the Florida Green Lodging Program establishes environmental guidelines for hotels and motels to conserve natural resources and prevent pollution. As reward for designation, the state recommends designated properties in the Florida Green Lodging Program to companies and trade organizations seeking environmentally conscious lodging and convention facilities. Beginning July 1, 2009, the Florida Department of Environmental Protection (DEP) is launching a restructured Florida Green Lodging Program. The restructured program will save the state money while continuing to recognize the lodging industry's achievements and strengthening the program's environmental performance and customer service.

Program improvements include:

- A streamlined online application process.
- A more robust set of Best Management Practices (BMPs) that will give properties the ability to customize its conservation efforts. The BMPs will be listed online with helpful supporting documents to aide in achieving designation quicker.
- DEP hosted webinars to provide ongoing education to property staff, specifically housekeeping staff.
- Additional online marketing and educational tools that will be available in multiple languages.

New standards and requirements will include: Extended designation period. Florida Green Lodging designation will be valid for three years from the date of issuance for new properties with the requirement that properties submit environmental performance data in the categories of water, waste and energy annually. For properties already designated, the issuance date will be July 1, 2009 and designated properties will be expected to submit performance data in 2010. To renew designation, facilities must implement at least two new environmental practices. In addition, properties will be required to conduct, and document, ongoing employee education to ensure all personnel are implementing the BMPs.

DEP will conduct selected facility assessments on a regular basis. If deficiencies are noted, the Florida Green Lodging Program will offer technical assistance. Consistent failure to correct deficiencies will result in removal from the program. DEP will also follow-up on any complaints made through the Green Lodging Survey on the DEP website.

This a voluntary initiative of the Florida Department of Environmental Protection (DEP) designates and recognizes lodging facilities that make a commitment to conserve and protect Florida's natural resources. The program's environmental guidelines allow the hospitality industry to evaluate its operations, set goals and take specific actions to continuously improve environmental performance.

The Florida Green Lodging Program is administered primarily online. To become designated, facilities must conduct a thorough property assessment and implement a specified number of environmental practices in six areas of sustainable operations:

- **Communication and Education (Customers, Employees, Public):** Two of the most important parts of any environmental plan are the Communication and Education components. The communication component clearly relays to guests, employees, vendors, suppliers and contractors the facility's commitment to environmental protection. However, as important as the communication of environmental practices and achievements is, the only way to enact sustainable change is to provide some level of education to these groups.
- **Waste Reduction, Reuse and Recycling:** Florida's tourism industry serves an estimated 40 million visitors annually. More than 50 percent of these visitors are hotel guests during some portion their stay. The waste generated by these guests constitutes a large portion of the state's commercial waste stream. A hotel waste audit showed that the majority of waste in a hotel is not produced in guest rooms, but in the Food and Beverage Department. If a hotel's waste is not reduced or recycled, it contributes to the state's overall environmental problems.
- **Water Conservation:** Many believe water conservation is the biggest environmental challenge faced by Floridians. It is a precious commodity that tourism and industry depend on for economic viability. In Florida, the majority of drinking water comes from groundwater aquifers that are replenished by rainfall. Florida must average at least 53 inches of water per year to avoid drought conditions. During drought conditions, individuals as well as businesses are asked to conserve water. It is important to conserve water not only during these times, but every day as well.
- **Energy Efficiency:** Energy savings means cost savings. Energy is a controllable cost and many organizations are realizing the cost-benefits of energy reduction. Hotel energy costs can consume from four to seven percent of a property's revenue, which for many properties is more than their profit margin. If hotels improve their energy performance by an average of 30 percent, the annual electricity bill savings would be nearly $1.5 billion. This represents a savings of approximately $365 per available room per year for every hotel room in the country. According the Hospitality Research Group of PKF Consulting, a 10 percent reduction in energy costs is equivalent to increasing occupancy points by 1.04 and increasing average

daily rate by 1.6 percent for a full-service hotel.

- **Indoor Air Quality:** Over the past few decades, clean air practices have become increasingly important in progressive hotel management. These changes have not only led to an increase in energy efficiency and reduced exposure to health-related liabilities but have also created positive impacts on the "bottom line" and higher employee and guest satisfaction.
- **Transportation:** At first glance, transportation issues may not appear to be pertinent to the day-to-day operations of a lodging facility. However, this could not be further from the truth. Guests, staff, suppliers, vendors and contractors all use some type of transportation to arrive at their destination and during their stay. During these travels, not only are vital natural resources consumed, but numerous air pollutants are released into the air during each mile that is traveled. Many visitors to Florida arrive by automobile or use some form of automobile transportation during their trip, whether it is a day trip to the beach or to drive from one location to another in our beautiful state. On an average day, more than 44,000 automobiles enter Florida just through the I-95 and I-75 corridors.

The Florida Green Lodging designation is valid for three years from date of issuance. To maintain designation, properties are required to submit environmental performance data (water, waste, energy) annually. Properties must also implement at least two new environmental practices from any of the six areas of sustainable operations.

The Florida Green Lodging Program benefits not only the environment but also helps designated properties save money and increase occupancy rates. By reducing water and energy use and reducing waste generation operating costs go down. Business is generated for state meetings and conferences through HB 7135 which gives preference to designated Florida Green Lodging properties. Designated properties also receive marketing and technical assistance benefits through the Florida Green Lodging Web site, where each designated property is featured and 24/7 Web access is available to Best Management Practices and Technical Assistance.

Local Laws & Regulations

Building Code

We have previously discussed local amendments to the State Building Code. As a reminder, note that local amendments to the State Building Code must be more stringent than the minimum state requirements, but no more stringent than necessary to address a particular local need.

Additionally, local governments cannot adopt amendments to the Code more often than every six months. State law provides detailed requirements that local governments must follow to adopt amendments to the Code, including format of proposals, timeframes for advertising, public hearings, and provision of evidence of need. If a local government proposes an amendment, the manager and association should carefully review it with the association chief engineer and attorney to ascertain the impact on the association, if any. The association should attend the public hearing and provide testimony as to the effect that the amendment will have on the association. Speaking out against amendments that will increase the burden on an association with little or no benefit is important. By speaking out, the association may be able to persuade the local government not to pass, or to modify, the change. Note that counties must have Countywide Compliance Boards to hear challenges to local amendments – although these Boards do not review or approve Code amendment, they can make recommendations to the County governing body.

Many local governments have building code requirements for signage. Since most associations install one or more signs that give the name and address of the association, boards should contact the appropriate building official when it plans to replace or modify its sign. If the association does not, it may find that the local government has modified signage requirements since the association

initially installed its sign, that it must meet new requirements that affect the type of sign it chooses.

Example: In Aventura, most developers used pole signs when they constructed buildings in the 70s and 80s. The Aventura Commission amended the sign code in 1999 to require that associations use monument signs. One association, unaware of this requirement, spent almost $7,500 repairing a pole sign. The Building Code inspector noted the work being performed on the sign, and cited the association for failing to follow the new code requirements.

Building Inspections & Fees

We stated earlier that the Florida Building Code applies to the "construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal or demolition of every building or structure or any appurtenances connected or attached to such buildings or structures." It is important to remember that the Florida Building Code includes maintenance of *existing* buildings and structures. If an association does not properly maintain its buildings and structures, local building officials can require that repairs be made. If they consider the problems significant enough, force residents to move from the building until and unless the association brings the building into compliance with the Florida Building Code and any local amendments. Recently, we have seen buildings on Miami Beach and in the City of Miami, among other places, shut down, because the association had not maintained the building. Many counties and municipalities have an inspection program, and, as buildings reach a life of 30 or 40 years, building inspectors examine the buildings to ensure that they are structurally sound, that the pipes and electrical systems are safe, and that the buildings are suitable for habitation.

As a manager, you should advise your association to perform maintenance and upkeep on the association property. While some repairs and maintenance seem costly, properly maintaining the association's property now is far less expensive than paying a mortgage and rent, if a building inspector orders the building vacated. Managers should rely upon professionals to assess the condition of the structure and its components, and to advice of the actions necessary to bring the facilities up to code.

We will discuss building inspections and fees more fully in Section III of this Chapter.

Landscaping & Environmental Requirements

Many counties have environmental requirements similar to those passed by the federal and state governments. In some cases, the local ordinances do not provide new regulations, but clarify the manner in which that locale will interpret and enforce federal and state law.

Similarly, many local governments have developed landscaping requirements for private and public sector development. These ordinances generally require that associations use native plant materials, and protect native species of plants, trees, and flowers from removal or destruction. Some counties and governments have specific ordinances protecting trees, and may require permits to remove, cut or trim any tree. Some counties and cities prohibit "hat racking" of trees.

A manager should contact his local representative and obtain copies of local laws that may affect the association and its operations and maintenance. It is particularly important that the manager become familiar with these requirements so that he can properly guide the board of directors.

Parking Requirements

Most counties and local governments have developed parking requirements for various types of buildings. These must be consistent with the ADA and state regulations for size and accommodation of disabled persons. Generally, the county or municipal government will define the number of assigned and guest parking spaces an association must have based upon the number of units in the complex and other amenities offered. These requirements are generally found in the county or municipal code.

Restriping and reconfiguration of parking spaces often requires a permit from the local government. Although parking contractors are usually familiar, with requirements of local government, we recommend that the manager check with the local building official when his association wishes to restripe or redesign parking areas.

Residents per Unit

Many of the state's condominiums and cooperatives house only one and two bedroom units, intended to house a family of four persons. However, with the influx of immigrants in Florida, the number of occupants per unit has become an issue for some associations. Some purchasers and lessees move into a one bedroom with five, six or more persons. These crowded units use more association resources such as water & sewer, electricity, and parking. Associations facing overcrowding have attempted to rely upon county or city standards to limit the number of occupants per unit.

Some counties and municipalities do have clear standards regarding the maximum number of persons who can occupy a unit based upon the number of bedrooms, or upon the total square footage of the unit. Generally, those local governments have established a maximum of two persons per bedroom. However, some counties and cities have no specific limit. Some attempt to limit the maximum number of persons in the unit through defining required bathroom or kitchen facilities per occupant. For instance, one south Florida County requires that a room can only be used for sleeping if it has unimpeded access to the bathroom and an individual does not have to pass through another bedroom to the bathroom.

We recommend that the association amend its documents to allow no more than two persons per bedroom, rather than rely upon a local government ordinance.

Relationship between Federal, State & Local Codes & Requirements

As we have seen, Federal, State and local ordinances are often interrelated. Generally, if a Federal law exists on an issue, the state and local regulations:

- Provide stricter requirements that federal law
- Provide guidelines for interpretation of federal law
- Define how the state or local government will enforce federal law

When federal law is different that state or local law, federal law takes precedence, except where the state or local law is more stringent. Likewise, where state law differs from local law, state law takes precedence, unless local law is more stringent.

We recommend that the manager consult with the association attorney anytime there appears to be a difference among federal, state and local law.

Understanding the Permitting Process

In our discussions of the State Building Code, we stated that local government plans examiners are charged with interpreting the Florida Building Code during the plan review process and local government building inspector during the construction process as necessary. We also saw that the Florida Building Code requires plans and permits for many types of work, sometimes even small projects and repairs. It is not relevant who will perform the work: the association, a contractor, or a unit owner. For any "construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal or demolition of every building or structure or any appurtenances connected or attached to such buildings or structures," local government approval is required.

Each county and municipality has a process for submitting plans, pulling permits, and obtaining in-

spections and final approvals. Generally, the process works as follows:

- The association has learned that it needs to replace the roof, or major rehab on the building, or some other work that is included in the Florida Building Code.
- The association's contractor, or an architect draws plans detailing the materials to be used in the new roof, how the roof will be secured to the building, and other information as required by Chapter 15 of the Florida Building Code. Note that some projects require that an architect draw the plans, not the contractor.
- The association submits the plans, along with the permitting fee, to the county or municipality responsible for overseeing the Florida Building Code.
- The county or municipal planning department reviews the plans to assure that they meet all Florida Building Code requirements, plus any local requirements that have been approved by the State.
- If the plans are correct, the planning examiner approves them and issues a permit to the association. If the plans do not fully comply, the planning examiner returns them to the association, noting the problems that must be corrected. The association returns the corrected plans for approval. Usually, no additional fee is required.
- The permit specifies the steps at which the work must be inspected by the building inspector. If the work is complex, it is possible that inspectors with different expertise may need to inspect different aspects of the project as the work progresses.
- The association should post or otherwise have available the permit describing the work that will occur. The association advises the contractor or other person performing the work, who begins the project
- Depending upon the nature of the work, the contractor may need to periodically stop work until the building inspector examines and approves that phase of the project. Upon completion of the entire project, the building inspector provides a final inspection, and, assuming the work has been performed properly, issues the final approval.
- The association maintains the final approval with other association records.

If the association does not submit plans and pull a permit as required, it may be fined. In some counties and municipalities, the fines can be double the original permit fee. Additionally, the building inspector can require that the entire project be removed or that it be partially removed so that he can determine if the work is properly done – resulting in cost overruns for the association. Additionally, if an association fails to follow the building code process as required, it may find that the building code inspector looks closely at all work performed – even minor repairs. Note that many building inspectors hold the association responsible for projects undertaken by individual unit owners. It is therefore important that associations have in place an architectural request approval process for unit owners. As a part of this process, the association should require the unit owner to submit a copy of the permit before allowing the unit owner (or his contractor) to begin the work.

Each county and municipality develops a set of charges for the activities described in the building code. New municipalities are required to base their fees on those charged by surrounding government entities. We recommend that the manager contact the government with jurisdiction for the Florida Building Code for his association. He should obtain a copy of the ordinance (law) implementing the Florida Building Code, along with any local amendments that the State has approved, and a copy of the fee structure.

Land Use Planning & Zoning

What is Land Use Planning?

In the State of Florida, until 2010, every local government and county was required to have a "Comprehensive Development Master Plan" (CDMP). The State of Florida required that these plans be consistent with related regional plans and the State Comprehensive Plan. The theory is that, by planning for future development and use, local governments and the state can better ensure that necessary infrastructure is in place prior to the actual development. Additionally, the CDMP theoretically protects certain areas from over development, thus preserving Florida's delicate ecosystem.

The State Legislature created Florida Statute, Chapter 163 to help guide local comprehensive planning efforts and to provide for State review and approval of local plans. Chapter 163, F.S. mandated that specific levels of service be included with these plans and that no development orders will be issued if the adopted levels of service cannot be met. Local governments may charge impact fees for new developments to minimize their impact on currently funded levels of service. Chapter 9J-5 of the Florida Administrative Code established the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance.

While now repealed, the CDMP requirements continue express the local government's general objectives and policies addressing where and how it intends development or conservation of land and natural resources will occur during the next ten to twenty years, and the delivery of government services to accomplish the Plan's objectives. It provides for "sustainable development" allowing for land capacity to meet projected needs, preservation of wetlands and agricultural areas and protection of (drinkable) water well fields.

The CDMP established the broad parameters for government to do detailed land use planning and zoning activities, functional planning and programming of infrastructure and services. As such, it is a framework for use by other programs to be developed to support its long-range planning goals. For each of the master plan elements, there were goals, objectives and policies, measures to be monitored and maps of planned future facilities. The land use plan broadly defines land use categories. The Land Use portion of the plan usually included a Map for projecting land use and changes for a ten to fifteen year period, and visually shows recommended land uses by major categories, each of which is interpreted locally through zoning designations (which are not part of the map).

The Plan established a growth policy that encourages development:

- At a rate commensurate with projected population and economic growth
- In a contiguous pattern centered around a network of high-intensity urban centers well connected by multi-modal intra-urban transportation facilities.
- In locations which optimize efficiency in public service delivery and conservation of valuable natural resources.

All development orders and regulations previously needed to be consistent with the adopted local CDMP. Once the local government drafted the CDMP, it held public hearings, through which residents of the area may comment on proposed uses.

Local CDMPs generally addressed ten different elements:

- Land Use
- Water, Sewer and Solid Waste
- Coastal Management
- Housing
- Recreation and Open Space
- Intergovernmental Coordination

- Capital Improvements
- Transportation Element (Traffic Circulation, Mass Transit, Aviation, Ports)
- Educational
- Conservation, Aquifer Recharge and Drainage Element

In summary, CDMPs generally described the purpose for which the land would be used, defined the infrastructure necessary to meet those purposes, and identified how natural resources and existing structures would be protected. A CDMP showed areas of redevelopment, development, and preservation. The local government identified parks, government buildings, schools, and other facilities in its CDMP, as well as existing and planned development. It provided for adequate transportation, water & sewer, and schools for future developments. Local governments coordinated with local school boards to assure that planned future development provides for schools.

What is Zoning?

Where the CDMP provides the framework for development, zoning rules and regulations provide the details. Zoning entails the regulation of land uses and buildings in three ways:

- Controlling what a given parcel of land or district may be used for
- Regulating the form a building can take: how high it can be, how big, how close to the property line, etc.
- What type of supporting infrastructure and amenities must be provided: how many parking spaces, driveways or sidewalks; the amount and type of landscaping; the provision of adequate and efficient water and sewer lines; etc.

For instance, the CDMP provides that area X will be used to provide mid-density housing. The local government will pass zoning for area X that provides that it will consist of townhouse and low rise residential buildings. Further, the Land Development (Zoning) regulations will detail the front and back setbacks, maximum height of buildings, number of parking spaces required, floor area ratios, and so on.

Example: The CDMP for Sunshine City designates a vacant five acre site for commercial development. This means that Sunshine City anticipates a small shopping center on this site. The City zoning for the site allows for a maximum development of 50,000 square feet, and requires that any out parcels have a footprint of 500 square feet. The zoning also requires that each store have the equivalent of 5 parking spaces each, and that the entire center, including out parcels, have a setback of at least 25 feet from the main street, 30 feet from side streets, and 50 feet from the development behind it. Additionally, Sunshine City zoning permits a maximum building height of 25 feet, or two stories. The zoning code for commercial areas allows only monument signs, with a height not to exceed 25 feet, and each establishment is permitted one building sign equal to one square foot for every 4 feet of building frontage.

Zoning Variances

Once the local government has established zoning for an area, the land is ready for development within the limits of the zoning. The owner needs only to file the necessary permits to build as long as he adheres to the zoning requirements. However, if he wants less of a setback, a taller building, or less parking, he must apply for a *zoning variance*. To do so, the owner submits an application, which typically includes:

- Letter of Intent: The letter of intent explains why the request is being made and why it should be approved. The letter must be signed by the applicant and must clearly explain the exact nature of the proposed use or operation applied for. It must also include any pertinent technical data including a complete description of the subject property (legal description, proper-

ty size, use intended, structures on the property), and the type of hearing requested to clarify the intended use of the property.

- Site Plan: The site plan must show all property dimensions, streets, and north reference point. If structures exist on the property or are proposed, all structure dimensions and setbacks, off-street parking spaces, etc. (existing or requested) must be shown. The site plan must contain a title block & a detailed legend of site use data. The site plan should also be accompanied by a survey of the property.
- Floor Plan: The floor plan must show all existing conditions and/or all proposed changes or additions to the interior of the structure. Each room must be dimensioned and the use of each room should be indicated.
- Elevation Plan: The elevation drawing must show the dimensions of the structure and must give the overall height of the building. If wall or roof signs are involved in the request, the existing or proposed signs must be added to the drawing.
- Profiles and Topographical Plan: Profiles and Topographical Plans will be required if the hearing request involves excavations. The plans should show all dimensions of the proposed excavation including all perimeter and slope data and must be sealed by a registered Florida engineer or surveyor.

Most local governments encourage the owner or applicant to contact the local environment agency and public works department, as well as planning and zoning. Additionally, local governments assess a fee for review and processing of the application.

Planning or zoning staff will review the application package and send copies to other departments for review. Depending on the nature of the application, this could include transit and public works, environmental agencies, and water & sewer. After staff has completed the review, they will prepare a recommendation for the local governing body and place it on the agenda for a hearing. All zoning hearings are advertised, and the local government sends notices directly to individuals residing within the immediate vicinity of the proposed zoning change.

Note that an owner can only apply for a zoning variance consistent with the land use for the area. For instance, if the land use designation is for low rise residential, the owner cannot ask for a zoning variance to construct a high-rise office building. He must first request a *land use change* to permit office buildings. Zoning variances generally request lower setbacks, less landscaping or parking, or smaller floor area ratios. However, a reduction in setback could impact significantly on a neighboring development. For instance, suppose you manage a high-rise in an area zoned for high-density residential. Your building and its neighbors adhered to the required 50-foot side setbacks and dense landscaping. This means your building is 100 feet from the actual physical building and your residents look out on beautiful landscaped areas. The owner of the vacant land next to your association wants a 5-foot setback, with a garage structure in the remaining 40 feet. Instead of landscaping, your residents will look out on a concrete lot. Your residents may want to oppose the zoning variance.

Typically, residents of an area receive a notice for a zoning variance, at which point they realize that some structure will be constructed nearby. This is usually when residents protest the construction of the building. Because the zoning variance affects only conditions of construction and site improvements, not the structure itself, residents become frustrated that they are unable to stop construction of another high-rise, or shopping center, or auto park, and so on. If residents want to control the development within their neighborhoods, they should be involved in the CDMP process – both when changes are requested and during the mandated five year review by local governments.

Appeals to Zoning Decisions

In some cases, planning & zoning staff make decisions regarding zoning changes, typically small modifications or changes. If staff denies a variance application, most local governments permit the owner to apply to the governing body. If the governing body denies any application, the owner must appeal through the courts. Residents may also appeal zoning approvals through the courts. Note that the time frames for filing appeals are usually very strict such as thirty days or less.

Why associations to be cognizant of local CDMP & zoning issues

As we have discussed, CDMP amendments and zoning changes can and do affect the existing community. Land use changes can affect, among other things:

- Traffic patterns & congestion
- Quality of education and school overcrowding
- Availability of water
- Government infrastructure requirements (sewer, garbage, etc.)
- Green space

Families with children do not want to send their children to overcrowded schools. None of us want to increase driving time to work. Increased demands on water, sewer and other utilities increase the cost of living for an area. These factors all affect the desirability of a community and, the quality of life ultimately, impacting on the property values of the association.

While zoning changes may not impact directly on traffic or school overcrowding, they can impact property values. A unit with a view of the Intracoastal or ocean may decrease in value if another building is constructed that blocks its view. Likewise, if a variance is granted to permit a gas station on a site zoned for commercial shops, the units on adjacent streets may become less desirable.

Associations that are aware of proposed changes have the opportunity to meet with government officials, and discuss ways of mitigating the impact of planned developments, or, perhaps, stopping them altogether. We will discuss this more in Section VII.

Other local laws & requirements

Most counties and some cities have local laws that mirror state and federal laws on treatment of minorities and disabled, provision of housing, disaster preparedness and so on. Managers should check with the association attorney to determine the local laws and requirements with which he should be familiar.

Association Requirements: Unit Owner Activities

On a day-to-day basis, most unit owners have little interaction with government. However, when a unit owner wants to tile his unit, or needs to replace a water heater or air conditioning system, or proposes to enclose his balcony, he must obtain the approval of the association. He may also need to obtain a permit from the local governing body. Additionally, most local governments require that licensed and insured contractors perform work; the owner is usually required to specify the contractor(s) who will complete the project.

In this case, the association has a responsibility to ensure that the unit owner pulls the necessary permit and has the required inspections. Building Code inspectors can, and do, hold the association responsible for modifications and repairs made by unit owners. Additionally, if the owner improperly modifies his unit, it could affect the structural integrity of the building. When an owner tiles without soundproofing, he creates a noise problem for those residents in the unit below.

We recommend that managers develop an architectural form that clearly delineates all requirements a unit owner should meet, and incorporates the local government building code requirements. The association should condition any approvals on submitting copies of the permit as well as copies of current contractor licenses and proof of current insurance.

Association Requirements: Vendor Activities

Most boards use contractors to perform some of maintenance and repairs on association property. Unfortunately, some associations use unlicensed and uninsured vendors to "save money." While the association may pay less in the short run, they ultimately will pay more. Unlicensed and uninsured vendors generally do not guarantee their work. Moreover, local governments require almost every vendor to have an occupational license. The county in which a business is located charges a fee based upon the type work the vendor performs. For instance, a plumber may pay a fee of $350, while a management company may pay $200, plus a fee for each manager working for it.

As we discussed earlier in this chapter, the Florida Building Code requires that the association submit a set of plans and obtain a permit for certain repairs, rehabilitation, modifications, etc. This may include major changes to landscaping, removal of trees and restriping of parking lots.

If the association hires an unlicensed vendor, the local government may fine the association. Further, if the association authorizes a vendor to perform work requiring a permit without pulling the permit, the local governing body may fine both the contractor and the association, and may require the association to partially or completely redo the work. Thus, the association could pay much more for a project it started illegally than had it adhered to all legal requirements. Likewise, boards should ensure that vendors are insured. If someone is injured during the project, or the contractor damages the property due to his actions or inactions, the association should hold the vendor responsible. If he has no insurance, unfortunately, the association will be left holding the bag.

The manager is responsible for advising the board on legally operating and maintaining the association. If he were to recommend use of unlicensed personnel, or suggest that the association not pull a permit, the manager is at minimum failing to exercise due diligence and professional care. If he does not warn a board that wants to use unlicensed vendors, or does not want to pull permits, he may also be failing, at a minimum, to exercise due diligence and care. F.A.C. 61-20-010 provides a fine of $500 for failure to exercise due diligence and professional care. Were the CAMs Council to consider the violation serious enough, or see that the manager has a pattern of not adhering to government laws and regulations, the manager could lose his license.

We strongly recommend that managers adhere to legal requirements, and, as necessary, consult with the association attorney for guidance when they are unclear about a law or rule.

Political actions

<u>How political action can affect local land use & zoning policies</u>

Unit owners can make a difference in the outcome of land use amendments and zoning changes. The manager or board should assure that the association routinely receives notices of local government meetings, so that they can determine if any pending items will affect them. Further, a representative of the association may want to attend meetings of the local governing body. Members of county and municipal governing bodies are elected officials. The board may want to work with candidates who will share their vision of the community. At the least, board members and the manager should get to know the local elected officials, and periodically meet to discuss concerns and issues. When a local official takes a courageous stand on a controversial issue, the board should consider sending a note acknowledging the action and telling him that he has its support. The more community support an official has, the easier it is for him to challenge the status quo.

Example – Zoning Variance

A developer filed a zoning variance to increase the height of a residential building from 40 stories to 70 stories, while keeping the number of units the same. The neighboring buildings were all 30 – 40 stories, and the community was opposed to a building of that height and size. The association presidents prepared a petition opposing the variance and began collecting signatures. They also sent phone scripts to residents, so that they could call their local elected officials. Before the local governing body could hear it, the developer withdrew the request for variance. Today, a 40-story building sits on that site.

Associations should be sure that they receive notices for both CDMP amendments and proposed zoning variances in their communities. There are community groups that help organize and advocate for associations and community residents, and associations should consider joining them. The fee for membership is usually nominal $100 to $250 a year. As a manager, you can help by encouraging your board members to get involved in these master organizations and by your getting to know the managers at neighboring buildings. We also encourage the manager or members of the board to attend local governing body meetings, and to get to know local officials. These relationships are helpful not just for land use amendments and zoning issues, but also in learning about preferred vendors and keeping up on (and advocating for or against) proposed legislation affecting associations.

Interactions with local officials & building code requirements

As we discussed earlier, the Florida Building Code is a state law, overseen by a seven member Building Code Commission. Members of this Commission reside in communities such as yours. Association boards and managers should ascertain if any members of the Commission live in their area. If the board has issues or concerns over current building code requirements, it may want to meet with the members to seek support from Commission members to explore ways to improve the Code, so that it better serves the association and community.

We recommend that the board and manager get to know their local building officials. While building inspectors and code enforcement officers cannot change or waive code requirements, they can help associations understand certain provisions; they can extend timeframes for compliance, and they can assist associations in evaluating whether contractor bids meet code requirements. Moreover, if the building officials work with the board and manager on a regular basis, they will better understand the needs and demands of the association, and, within the limits of their authority, may be able to extend deadlines, or suggest alternatives for complying with regulations.

How do these programs come about?

Generally, federal and state laws are proposed because some entity or person has identified a problem, and proposes a solution that benefits them. In some cases, the entity that identified the problem has a lobbyist, who meets with important legislators, reviewing the issues, proposing solutions and even drafting a bill to “correct” the problem. Additionally, many of these lobbyists raise money to help keep their favorite legislators in office or to defeat the legislators who do not support their issues. We are all familiar with the AARP, which has successfully lobbied to keep social security and Medicare benefits intact.

Examples:

In the last twenty or thirty years, social service agencies and providers have removed their disabled clients from institutions, based upon the belief that “normalization” and integration into society as a whole is healthier for them. And many local communities agree in principle that a ”home” setting is healthier, but they object to creating facilities for them in their neighborhood the NIMBY syndrome (Not In My Back Yard). The problem reached the level where Congress, heavily lobbied by social service groups, passed legislation making it difficult for a neighborhood to prohibit group homes within residential neighborhoods.

Similarly, religious groups lobbied Congress, stating that the right to assemble for worship is at the very of the First Amendment. They successfully argued zoning codes and landmarking laws illegally exclude religious assemblies in places where large groups of people assemble for secular purposes. Thus, Congress passed the Religious Land Use and Institutionalized Persons Act. Most local governments and communities were caught unaware. An association that allows groups of unit owners to assemble in the recreation hall for parties and bingo night could find themselves challenged to allow Friday night and Sunday morning services.

In the Florida Legislature, during the 2005 session, legislators submitted bills to license community association management companies, require board members to be elected to the board on an annual basis, mandate reserves, and prohibit foreclosures for assessment due until an owner owes at least $2,500. Legislators heard testimony from a vocal minority of residents throughout the state complaining about abuses of the board. Legislators introduced few reforms protecting board members, or limiting unit owner actions – because board members are not as well organized or as vocal as some of the unit owner groups.

Clearly, if a group has a concern, if it can find other organizations with the same or similar concerns, if it has the contacts and wherewithal to influence Congress or the State Legislature, it may be able to pass legislation protecting their interests. When boards come together, and managers come together, they too can influence legislation at the State and national level.

Why don't we, at the local level, hear about these proposals before they become law?

In 2005, legislators filed more than 2,000 bills for consideration during the 60-day legislative session. Clearly, it is unlikely that a manager, board, or unit owner could find and review every bill that has a potential impact on associations. Instead, most boards and managers rely upon industry groups, professional affiliations, and community organizations to inform them of potential negative as well as positive legislation. Boards, unit owners, and managers who are not members of these groups are unlikely to hear of proposed legislation unless the news media becomes interested in a specific issue.

What can we do to influence our elected officials?

With its many small cities and the move to create even more municipalities, it is likely that the board or manager will know at least one of his local elected officials. The better we know our elected officials and their staff members, the more readily we can request their assistance when we need it. Associations, board members, and managers should consider joining local civic and professional organizations. As a member of a group that routinely lobbies legislators, board members and managers have "instant credibility" especially if the president or chair of the organization calls in advance and requests the appointment. Sometimes, the president or chair will even attend the meeting with the manager or board, so that he knows what issues are important to his members and can let the elected official know that your concerns are of major importance to him.

Board members and managers should attend meetings of the county or city commission or council. By attending meetings, they can learn the issues that their local government is currently considering. Board members and managers may want to meet with local elected officials periodically, both to develop a relationship with them and discover what their elected officials consider the most important issue. Boards may want to establish a quarterly open meeting with elected officials, and invited local officials, state representatives and Congressional representatives to attend and discuss upcoming legislation. This also gives residents an opportunity to share their concerns both with the board and their elected representatives. Additionally, the manager should send a copy of the association newsletter to the elected officials representing his association, as well as county and city managers and key government staff. The more informed they are, the more recognizable your association's name, the easier it will be to get help when you need it.

Board members and the manager may want to volunteer their time for their official's pet charity, or participate in charity runs that their official advocates. Boards and managers can also work for their preferred candidate during elections. And do not forget that staff members have the ear of the elected official more often than anyone else. Sometimes staff intercession is sufficient to resolve your problem or issue.

Depending upon the nature of an issue or problem, the board may want to hire a lawyer or public relations firm that routinely works with elected officials, that is, a "lobbyist." Lobbyists specialize, some working with local governments, some with state and some with federal governments. These individuals generally have excellent relationships with elected, and often, high ranking appointed, officials. Especially with term limits for the State legislature and for many local governments, lobbyists often know the system better than the legislators and can often get things done more quickly than the elected official.

Of course, local elected officials can help with state and federal legislators. If you have a problem at that level, sometimes a local official can quickly resolve the issue with a call to a Congressman's chief of staff, or a state legislator's key aid, or the Chief of a state agency. Local officials have state and national organizations that are very effective lobbying groups for municipal and county concerns.

Most importantly, boards and managers should ensure that elected officials are aware of and understand their concerns and problems regardless of the method: newsletter, meetings, campaigns, etc. Sometimes, just a quick conversation in the grocery with your local commissioner can lead to resolving your association's problem.

Use of Licensed Professionals

We have discussed at length the differing laws , rules and ordinances that apply to building Codes and to our communities. To assure that our associations properly obtain services for our community, we should seek and use appropriately licensed design and construction professionals. These individuals should hold the appropriate Florida license for the activity they will carry out, and should have insurance, to protect against any errors which may occur. Keep in mind that professionals make errors on occasion, as do we all. An association should assure that it protects itself in case of problems with a project. We have includes a list of specialties required to be licensed or certified in order to perform work for an association or individual.

Project Management

All associations enter into contracts, using funds collected from owners. The board has a fiduciary responsibility to assure that the services are performed in accordance with the contact, at the agreed upon level and at a reasonable cost. The board usually delegates to the manager the responsibility for overseeing these contracts. He may delegate some contact monitoring to the maintenance supervisor, or, for administrative equipment, his administrative assistant.[7] In some cases, board members oversee certain contracts. This is common in self-managed associations. In either case, the association has assigned a "project manager," who is responsible for that contract.

Management of major projects is not a routine responsibility of a community association manager. The manager is charged with operating and overseeing the day-to-day responsibilities of the association. These duties alone typically consume 40 – 60 days a week.

A project manager for a major contract should have certain qualifications:

- Knowledgeable and recognized professional

[7] Assuming that the association has such staff.

- Thoroughly understands the scope of services
- Monitors each phase of every project
- Understand relationship among concurrent projects and can coordinate them to most effectively complete each project
- Identifies any product or workmanship that varies from the scope of work
- Is authorized to evaluate any unanticipated issues while work is in progress and recommend corrective action
- Performs inspections, evaluates completed work and pre-approves contractual progress payments
- Serves as a resource for the board on project issues

Product manufacturer will usually have regional field staff available to oversee certain portions of a project. For instance, the roofing manufacturer will want to oversee certain portions of the roof installation, to assure that the roof is applied in accordance with manufacturer specifications. This will assure that the warranty is maintained. However, in most cases, these representatives do not provide day-to-day services.

The association may also want to consider hiring a general contractor for all facets of the work. The GC is then responsible for project management activities. It is likely that the GC will hire someone specifically trained in project coordination and management. The association can expect an additional charge for this service. While there are certain advantages of using a single GC who selects all other contractors, it provides the association with fewer alternatives when a problem occurs with one of the projects. Often, when a problem arises, the association must terminate the GC – and renegotiate with subcontractors – thus delaying project completion and increasing costs.

Government Staff: Experts available to answer questions

Government staff is a great resource for managers and boards. They can guide managers through building inspections, explain how to apply for grants, and facilitate use of government services and agencies. We recommend that managers obtain a list of key local government staff, and meet with them as necessary.

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Florida Building Code 2010 Building cover

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Testing Application Standard (TAS) No. 116-95 Test Procedure for Air Permeability Testing of Rigid, Discontinuous Roof Systems

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Testing Application Standard (TAS) No. 117(B)-95 Test Procedure for Dynamic Pull-Through Performance of Roofing Membranes over Fastener Heads or Fasteners with Metal Bearing Plates

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Appendix I - Building Code Administrators & Inspectors

Composition Number of Members: 9

- One member who is an architect licensed pursuant to Chapter 481, Florida Statutes (F.S.), an engineer licensed pursuant to Chapter 471, F.S., or a contractor licensed pursuant to Chapter 489, F.S.
- Two members serving as building code administrators
- Two members serving as building code inspectors
- One member serving as a plans examiner
- One member who is a representative of a city or a charter county
- Two consumer members, one of whom must be a person with a disability or a representative of an organization which represents persons with disabilities

Licensed Architect
Orlando Lamas
Miami Springs, FL
Term: 6/25/09 – 10/31/13

Building Code Administrators
Bob McCormick, Chair
Orlando, FL
Term: 8/7/07 – 10/31/13

Wayne Francis
Brandon, FL
Term: 8/15/11 – 10/31/12

Inspectors
Gerry A. Demers
Crestview, FL
Term: 6/25/09 – 10/31/11

Vacant

Plans Examiner
Art Barthlow
MIddleburg, FL
Term: 10/19/09 – 10/31/12

City or Charter County Rep
Richard Gathright, Vice-Chair
Lake Worth, FL
Term: 8/7/07 – 10/31/14

Consumer Members
Fred R. Dudley
Havana, FL
Term: 3/20/06 – 10/31/12

Dennis Carpenter
Tallahassee, FL
Term: 11/1/09 – 10/31/13

Appendix J - Specialty Maintenance

- Certain types of maintenance and construction require special licensure or certification.
- State of Florida requires all licensed construction professionals to complete a four hour core course on Florida Building Code.
- Any personnel performing maintenance or repairs, which require licensure & insurance, must provide proof to association.
- Association is responsible for unlicensed/uninsured work , including within units
- Regulated classes include:
  - Building Officials/Building Code Administrators – responsible for plan review, inspection and enforcement of Florida Building Code and applicable federal, state and local construction requirements in:
    - Structural
    - Plumbing
    - Fire Prevention
    - Electrical
    - Mechanical
    - Energy
    - Accessibility
    - Gas
    - Wind load
  - Architects – design building and use of space within building:
    - provide planning, preliminary designs, and drawings and specifications
    - may inspect and/or administer projects
    - licensed through Board of Architecture & Interior Design
  - Engineers – provide mathematical, physical, and engineering science services related to design of buildings and their systems:
    - Specialties include electrical, structural, and ventilation systems
    - Licensed through Board of Professional Engineers
  - Home Inspectors – inspect residential property and report conditions of home's major components, systems, and structure; American Society of Home Inspectors provides minimum standards; Licensed through DBPR
  - Mold Assessment Inspectors – inspect facilities for mold and mildew and recommend remediation to correct problem(s). Licensed through DBPR
  - Interior Designers – design non-structural elements of buildings, such as lighting, space planning, and furnishings; licensed through Board of Architecture & Interior Design.
  - Landscape Architects - provide site, landscape designs, environmental impact statement services; licensed through the Board of Landscape Architecture.
  - Construction Contractors – provide construction, remodeling, alteration, repair, rehabilitation, and demolition of buildings; regulated under F.S. 489, Part I:
    - Construction Licensing Board tests and licenses certified construction contractors.

- Local jurisdictions issue competency cards[8] to registered construction contractors.
- They may only work within those jurisdictions that have granted competency cards.
- Specific constructions trades contractors include:
  - *General contractor*: Services are unlimited as to type of work which he or she may do, who may contract for any activity requiring licensure under this part, and who may perform any work requiring licensure under this part, except as otherwise expressly provided in s. 489.113.
  - *Building Contractor*: Limited to construction of commercial buildings, single family dwellings, or multiple dwelling residential buildings 3 stories or less and remodeling, repair, or improvement of any size building if the services do not affect building structure.
  - *Residential Contractor*: Limited to construction, remodeling, repair, or improvement of single family, duplex and triplex residences that do not exceed two habitable stories above no more than one uninhabitable story.
  - *Glass & Glazing contractor.* Services unlimited in execution of contracts requiring experience, knowledge and skill to install, attach, maintain, repair, fabricate, alter, extend, or design, in residential and commercial applications, without any height restrictions, all types of windows, glass, mirrors, whether fixed or movable, swinging or sliding glass doors attached to existing walls, floors, columns, or other structural members of the building; glass holding or supporting mullions or horizontal bars; structurally anchored impact-resistant opening protection attached to existing building walls, floors, columns or other structural members of the building; prefabricated glass, metal, or plastic curtain walls; storefront frames or panels; shower and glass tub enclosures; metal fascias; and caulking incidental to such work and assembly.
  - *Sheet Metal Contractor*: Works in ferrous or nonferrous sheet metal work (using U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, such as fiberglass), used in replacement of air-handling systems, including setting of air-handling equipment and reinforcement of such equipment.
  - *Roofing Contractor*: Unlimited in roofing trade, with experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, and use materials and items used in installation, maintenance, extension, and alteration of all kinds of roofing, waterproofing, and coating, except when such materials are not to protect, repair, waterproof, stop leaks, or extend life of roof.
  - *Class-A Air-Conditioning Contractor*: Unlimited in execution of contracts requiring experience and knowledge to install, maintain, repair, fabricate, alter, or design, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work. May not work on liquefied petroleum lines, natural gas fuel lines, potable water lines, sanitary sewer lines, swimming pool piping, or electrical power wiring.
  - *Class-B Air-Conditioning Contractor*: Limited to 25 tons of cooling and 500,000 BTU's[9] of heating in any one system. May execute contracts, within size restriction,

[8] Competency card: Granted by a local government to contractors who have met requirements in specific construction trade. Usually required to provide references, proof of insurance, and business license.

[9] The British thermal unit (BTU) is a traditional unit of energy. In North America, the term "BTU" is used to describe the heat value (energy content) of fuels, and also to describe the power of heating and cooling systems, such as furnaces, stoves, barbecue grills, and air conditioners.

requiring experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work.

- *Class-C Air-Conditioning Contractor*: Limited to servicing of air-conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing which requires at least a partial disassembling of system. Note: Certification or registration valid on October 1, 1988
- *Mechanical Contractor*: Unlimited in execution of contracts requiring experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, (when not prohibited by law), central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to extent that such duct work is performed by contractor as is necessary to make complete an air-distribution system. May also work on boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith.
- *Commercial Pool/Spa Contractor*: Work involves, but is not limited to, construction, repair, and servicing of any swimming pool, hot tub or spa, whether public, private, or otherwise.
  - Authorized to work on installation, repair, and replacement of existing equipment, any cleaning or equipment sanitizing including partial disassembling.
  - May also perform work of a swimming pool/spa service contractor.
  - Not authorized to perform following functions: filter changes, installation of new pool/spa equipment, interior finishes, installation of package pool heaters, installation of all perimeter piping and filter piping, construction of equipment areas or rooms or housing for pool/spa equipment.
  - Not permitted to directly connect their work to a sanitary sewer system or to potable water lines (this work reserved for plumbers).
- *Residential Pool/Spa Contractor*: Involves, but is not limited to, construction, repair, and servicing of any residential swimming pool, hot tub or spa. Includes:
  - Installation, repair, or replacement of existing equipment plus any cleaning or equipment sanitizing which requires at least a partial disassembly of equipment.
  - Installation of new pool/spa equipment, interior finishes, installation of package pool heaters, installation of all perimeter piping and filter piping.
  - Construction of equipment rooms and housing for pool/spa equipment.
  - Scope of work of a swimming pool/spa servicing contractor.
  - Excludes direct connections to a sanitary sewer system or to potable water lines.
- *Plumbing Contractor*: Execution of contracts requiring experience, financial means, knowledge, and skill to install, maintain, repair, alter, extend, and design plumbing systems, including:
  - Sanitary drainage or storm drainage facilities
  - Venting systems
  - Public or private water supply systems

- Septic tanks
- Drainage and supply wells
- Swimming pool piping
- Irrigation systems
- Solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including installation of water, natural gas (excluding liquid petroleum gases)
- Storm and sanitary sewer lines
- Water and sewer plants and substations

- *Swimming Pool/Spa Servicing Contractor*: Involves, but is not limited to, repair and servicing of any swimming pool, hot tub, or spa, whether public or private, or otherwise, regardless of use, including repair or replacement of existing equipment and any cleaning or equipment sanitizing which requires at least a partial disassembling.
  - Excluded from filter changes, installation of new pool/spa equipment, interior refinishing, reinstallation, or addition of pool heaters, repair or replacement of all perimeter piping and filter piping and repair of equipment rooms or housing for pool/spa equipment.
  - Restricted from substantial or complete draining of a swimming pool, or hot tub or spa, for purpose of any repair or renovation.
  - May not make direct connections to a sanitary sewer system or to potable water lines.
- *Solar contractor*: Services consist of installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use.
- *Pollutant storage systems contractor*: Limited to, and who has experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, when not prohibited by law, and use materials and items used in installation, maintenance, extension, and alteration of, pollutant storage tanks.
- *Electrical contractor*: Conducts business in electrical trade field and has experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations.
- *Alarm system contractor*: Includes execution of contracts requiring ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes.
- *Underground utility and excavation contractor*: Limited to construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and

slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and continuation of utility lines from main systems to a point of termination up to and including meter location for individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multi-occupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures.

- May install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system.
- Shall not install any piping that is an integral part of a fire protection system as defined in s. 633.021 beginning at the point where the piping is used exclusively for such system.

- *Specialty contractor*: Scope of work and responsibility is limited to a particular phase of construction and whose scope is limited to a subset of activities described in the categories established in one of the paragraphs of Building Code.

- Florida Building Code mandates that contractors participate in the statewide/local information systems that list licensed and certified contractors.

- DBPR provides staff support to licensing boards that develop the requirements, provide testing, and administer disciplinary oversight to the various construction trades.

Exam Questions

1. The Florida Building Code applies to all but:
   a. Construction of new buildings
   b. Construction and enlargement of existing buildings
   c. Alteration and replacement of houseboats
   d. Demolition of commercial buildings

2. The Florida Building Code was authorized by the ____ Florida Legislature to be the sole document incorporating all building standards adopted by all enforcement agencies and state agencies that license different types of facilities.
   a. 1988
   b. 1998
   c. 2000
   d. 2010

3. The Florida Building Code is very broad and has ___ primary sections:
   a. Modular housing, existing housing, and residential housing
   b. New, commercial and residential
   c. New, residential and existing
   d. Existing, gas, and mechanical

4. Manufactured homes must be constructed in accordance with regulations of the U.S.H.U.D., entitled:
   a. Manufactured Housing Construction & Safety Standards
   b. Modular Housing Construction & Safety Standards
   c. Fabricated Housing Construction & Safety Standards
   d. As Built Housing Construction & Safety Standards

5. Exceptions to the Florida Building Code include all but the following:
   a. Federal building
   b. Railroad facilities
   c. Chickees
   d. Existing building undergoing a change of occupancy

6. Local governments may amend the Building Code once every __ months
   a. 12
   b. 18
   c. 9
   d. 6

7. The Florida Building Code exempts the following from permits:
   a. Portable heating devices
   b. Concrete restoration
   c. Roof replacement
   d. Water heater replacement

8. An Underground Storage Tank is a tank and any underground piping connected to the tank that has at least ____ percent of its combine volume underground.
   a. 20
   b. 10
   c. 15
   d. 25

9. Elevator Safety, while included in the Florida Building Code, is also governed by:
   a. F.S. 633
   b. ASME A 17.1
   c. 17.1
   d. F.A.C. 69A-60
   e. F.A.C. 718

10. Fire Safety, while governed by the Florida Building Code, is also governed by:
    a. F.A.C. 69A-60
    b. ASME A 17.1
    c. F.A.C. 61C-5
    d. F.S. 61B-20

11. The Florida Fire Safety Code:
    a. Applies only to commercial buildings.
    b. Names the Governor as the State Fire Marshall.
    c. Is intended to protect Floridians from fire hazards.
    d. None of the above.

12. Swimming Pool requirements, while governed by the Florida Building Code, is also governed by:
    a. National Henry D. Landon Swimming Pool & Spa Safety Act
    b. Federal Freddie Mac Swimming Pool Safety Act
    c. National Swimming Pool & Spa Safety Act
    d. Federal Virginia Graeme Baker Pool and Spa Safety Act
13. F.S. 403.9323:
    a. Prohibits trimming or alteration of mangroves anywhere in Florida
    b. Allows mangrove trimming at an owner' digression anywhere in Florida
    c. Requires trimming of mangroves on multifamily residential sites in an equitable distribution to the shoreline rights of the residents.
    d. Requires that mangroves only be trimmed by DER employees
14. Hat racking:
    a. Is a common method to trim trees, approved by most local governments
    b. Refers to illegal trimming of mangrove trees
    c. Is a Federal requirement that refers to piping systems for sewers
    d. Is an method of improving emergency efficiency in green buildings
15. The common objective of green buildings is to reduce the overall impact of the built structure on human health and the natural environment by:
    a. Efficiently using sunlight and reducing sewage output
    b. Reducing waste, pollution, and environmental degradation
    c. Reducing the use of paper products by encouraging use of computers
    d. Require use of solar paneling only for heating and cooling
16. The Florida Green Lodging designation is valid for ___ years from the date of issuance.
    a. 2
    b. 3
    c. 4
    d. 5
17. Generally, if a Federal law exists on an issue, the state and local regulations:
    a. Provide more lenient requirements that federal law
    b. Require that federal law be strictly adhered to, with no exceptions
    c. Provide guidance for circumventing federal law
    d. Define how the state or local government will enforce federal law

18. If an association does not submit building plans and pull a permit as required by the Florida Building Code and local government ordinances:
    a. It may be fined triple the amount of the original building permit fees
    b. It may be fined double the amount of the original building permit fees
    c. It may be fined no more than $2,500
    d. It may be fined a minimum of $10,000

19. Zoning entails the regulation of land uses and buildings in several ways, excluding:
    a. Controlling what a given parcel of land or district may be used for
    b. Regulating the form a building can take: how high it can be, how big, how close to the property line, etc.
    c. What type of supporting infrastructure and amenities must be provided: how many parking spaces, driveways or sidewalks; the amount and type of landscaping; the provision of adequate and efficient water and sewer lines; etc.
    d. Provides the designated use for a parcel of land

20. Land use changes can affect everything except:
    a. Traffic patterns & congestion
    b. Quality of education and school overcrowding
    c. Availability of books and libraries
    d. Government infrastructure requirements (sewer, garbage, etc.)