

1
2 An act relating to the Florida Building Code;
3 amending s. 235.061, F.S.; delaying the date by
4 which relocatables used as classrooms must meet
5 certain standards; amending s. 235.212, F.S.;
6 specifying certain low-energy window standards
7 for relocatable classrooms; amending s. 255.31,
8 F.S.; exempting certain facilities from plans
9 reviews and inspections by local governments;
10 amending s. 373.323, F.S.; authorizing water
11 well contractors to install, repair, or modify
12 specified equipment in accordance with the
13 code; creating s. 399.001, F.S.; creating the
14 "Elevator Safety Act"; amending s. 399.01,
15 F.S.; defining terms; amending ss. 399.02,
16 399.03, F.S.; providing regulatory standards
17 for elevators and similar conveyances;
18 providing for permits for construction or
19 alteration of elevators and similar
20 conveyances; creating s. 399.049, F.S.;
21 providing for licenses and certificates of
22 competency; providing for disciplinary action;
23 amending s. 399.061, F.S.; providing for annual
24 inspections and fees; amending ss. 399.07,
25 399.10, 399.105, F.S.; revising administrative
26 fines and fee-setting procedures; conforming
27 provisions; creating s. 399.106, F.S.; creating
28 the Elevator Safety Technical Advisory
29 Committee; providing for its membership and
30 authority; amending s. 399.11, 399.125, 399.13,
31 F.S.; conforming provisions; repealing s.

1 399.045, F.S., which provides for a certificate
2 of competency; repealing s. 399.05, F.S., which
3 provides for construction permits; amending s.
4 489.509, F.S.; transferring specified licensing
5 fees from the Department of Education to the
6 Department of Community Affairs; amending s.
7 489.537, F.S.; revising the power of
8 municipalities and counties with respect to
9 regulating electrical journeymen; amending ss.
10 553.36, 553.415, F.S.; defining the term
11 "factory-built school shelter"; providing for
12 the department to approve plans for such
13 shelters; authorizing districts to charge
14 inspection fees; authorizing approved
15 inspection entities to conduct inspections of
16 factory-built school buildings while they are
17 under construction; delaying the date for
18 inclusion of the Uniform Code for Public
19 Education Facilities in the Florida Building
20 Code; delaying the deadline for inspecting
21 factory-built buildings currently in use;
22 amending ss. 553.505, 553.507, F.S.; conforming
23 cross-references; amending s. 553.73, F.S.;
24 providing for the uniform implementation of
25 parts of the residential swimming pool safety
26 act; providing a process for the approval of
27 technical amendments to the code; providing for
28 the treatment of permit applications submitted
29 prior to the effective date of the code;
30 exempting specified structures from the
31 wind-borne-debris-impact standards of the

1 Florida Building Code; amending s. 553.77,
2 F.S.; requiring the commission to issue
3 specified declaratory statements; providing for
4 hearings; providing for rules for plan review
5 of prototype buildings; authorizing the
6 commission to produce a commentary to accompany
7 the Florida Building Code; amending s. 553.79,
8 F.S.; requiring the code to establish standards
9 for preliminary construction; amending s.
10 553.84, F.S.; providing an exception to certain
11 liability provisions relating to the Florida
12 building Code; creating s. 553.8412, F.S.;
13 providing for statewide outreach for training
14 on the code; amending s. 553.842, F.S.;
15 providing methods for local and statewide
16 approval of products, methods, and systems of
17 construction; providing rulemaking authority;
18 amending s. 553.895, F.S.; exempting specified
19 spaces within telecommunications buildings
20 under specified circumstances; allowing the use
21 of a manual wet standpipe under certain
22 circumstances; directing the commission to
23 research some issues and provide reports to the
24 Legislature; providing an effective date for
25 the Florida Building Code; amending s. 135 of
26 ch. 2000-141, Laws of Florida, and ss. 62(2)
27 and 68 of ch. 98-287, Laws of Florida, as
28 amended; requiring that the Florida Building
29 Commission appoint members to the commission's
30 Education Technical Advisory Committee;
31 specifying duties of the advisory committee;

1 providing for the carryforward of funds
2 collected for research projects; creating the
3 Building Construction Permitting and Inspection
4 Task Force; providing responsibilities;
5 providing for appointment of members; providing
6 for meetings and staffing by the Florida
7 Building Commission; requiring a report to the
8 Governor and the Legislature by a specified
9 date; amending s. 627.0629, F.S.; delaying a
10 deadline by which insurance companies are
11 required to make certain rate filings; amending
12 s. 663.0215, F.S.; delaying the date on which
13 the State Fire Marshal is required to adopt a
14 statewide firesafety code; providing
15 appropriations; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Effective upon this act becoming a law,
20 subsection (1) of section 235.061, Florida Statutes, is
21 amended to read:

22 235.061 Standards for relocatables used as classroom
23 space; inspections.--

24 (1) The Commissioner of Education shall adopt rules
25 establishing standards for relocatables intended for long-term
26 use as classroom space at a public elementary school, middle
27 school, or high school. "Long-term use" means the use of
28 relocatables at the same educational plant for a period of 4
29 years or more. These rules must be implemented by July 1,
30 1998, and each relocatable acquired by a district school board
31 after the effective date of the rules and intended for

1 long-term use must comply with the standards. The rules shall
2 require that, by July 1, 2002 ~~July 1, 2001~~, relocatables that
3 fail to meet the standards may not be used as classrooms. The
4 standards shall protect the health, safety, and welfare of
5 occupants by requiring compliance with the Uniform Building
6 Code for Public Educational Facilities or other locally
7 adopted state minimum building codes to ensure the safety and
8 stability of construction and onsite installation; fire and
9 moisture protection; air quality and ventilation; appropriate
10 wind resistance; and compliance with the requirements of the
11 Americans with Disabilities Act of 1990. If appropriate, the
12 standards must also require relocatables to provide access to
13 the same technologies available to similar classrooms within
14 the main school facility and, if appropriate, to be accessible
15 by adequate covered walkways. By July 1, 2000, the
16 commissioner shall adopt standards for all relocatables
17 intended for long-term use as classrooms. A relocatable that
18 is subject to this section and does not meet the standards
19 shall not be reported as providing satisfactory student
20 stations in the Florida Inventory of School Houses.

21 Section 2. Effective upon this act becoming a law,
22 subsection (1) of section 235.212, Florida Statutes, is
23 amended to read:

24 235.212 Low-energy use design; solar energy systems;
25 swimming pool heaters.--

26 (1)(a) Passive design elements and low-energy usage
27 features shall be included in the design and construction of
28 new educational facilities. Operable glazing consisting of at
29 least 5 percent of the floor area shall be placed in each
30 classroom located on the perimeter of the building. For a
31 relocatable classroom, the area of operable glazing and the

1 area of exterior doors, together, shall consist of at least 5
2 percent of the floor area. Operable glazing is not required in
3 community colleges, auxiliary facilities, music rooms, gyms,
4 locker and shower rooms, special laboratories requiring
5 special climate control, and large group instruction areas
6 having a capacity of more than 100 persons.

7 (b) In the remodeling and renovation of educational
8 facilities which have existing natural ventilation, adequate
9 sources of natural ventilation shall be retained, or a
10 combination of natural and low-energy usage mechanical
11 equipment shall be provided that will permit the use of the
12 facility without air-conditioning or heat when ambient
13 conditions are moderate. However, the Commissioner of
14 Education is authorized to waive this requirement when
15 environmental conditions, particularly noise and pollution
16 factors, preclude the effective use of natural ventilation.

17 Section 3. Effective January 1, 2002, subsection (1)
18 of section 255.31, Florida Statutes, as amended by section 15
19 of chapter 2000-141, Laws of Florida, is amended to read:

20 255.31 Authority to the Department of Management
21 Services to manage construction projects for state and local
22 governments.--

23 (1) The design, construction, erection, alteration,
24 modification, repair, and demolition of all public and private
25 buildings are governed by the Florida Building Code and the
26 Florida Fire Prevention Code, which are to be enforced by
27 local jurisdictions or local enforcement districts unless
28 specifically exempted as provided in s. 553.80. However, the
29 Department of Management Services shall provide the project
30 management and administration services for the construction,
31 renovation, repair, modification, or demolition of buildings,

1 utilities, parks, parking lots, or other facilities or
2 improvements for projects for which the funds are appropriated
3 to the department; provided that, with the exception of
4 facilities constructed under the authority of chapters 944,
5 945, and 985; the Governor's mansion and grounds thereof, as
6 described in s. 272.18; and the Capitol Building and environs,
7 being that part of the City of Tallahassee bounded on the
8 north by Pensacola and Jefferson Streets, on the east by
9 Monroe Street, on the south by Madison Street, and on the west
10 by Duval Street, the department may not conduct plans reviews
11 or inspection services for consistency with the Florida
12 Building Code. The department's fees for such services shall
13 be paid from such appropriations.

14 Section 4. Subsection (10) is added to section
15 373.323, Florida Statutes, to read:

16 373.323 Licensure of water well contractors;
17 application, qualifications, and examinations; equipment
18 identification.--

19 (10) Water well contractors licensed under this
20 section may install, repair, and modify pumps and tanks in
21 accordance with the Florida Building Code, Plumbing; Section
22 612--Wells pumps and tanks used for private potable water
23 systems. In addition, licensed water well contractors may
24 install pumps, tanks, and water conditioning equipment for all
25 water well systems.

26 Section 5. Section 399.001, Florida Statutes, is
27 created to read:

28 399.001 Short title and purpose.--This chapter may be
29 cited as the "Elevator Safety Act." The purpose of this
30 chapter is to provide for the safety of life and limb and to
31 promote public safety awareness. The use of unsafe and

1 defective lifting devices imposes a substantial probability of
2 serious and preventable injury and exposes employees and the
3 public to unsafe conditions. The prevention of these injuries
4 and the protection of employees and the public from unsafe
5 conditions is in the best interest of the public. Elevator
6 personnel performing work covered by the Florida Building Code
7 must possess documented training or experience or both and be
8 familiar with the operation and safety functions of the
9 components and equipment. Training and experience includes,
10 but is not limited to, recognizing the safety hazards and
11 performing the procedures to which they are assigned in
12 conformance with the requirements of the Florida Building
13 Code. This chapter establishes the minimum standards for
14 elevator personnel.

15 Section 6. Section 399.01, Florida Statutes, is
16 amended to read:

17 399.01 Definitions.--As used in this chapter, the
18 term:

19 (1) "Alteration" means any change or addition to the
20 vertical conveyance equipment other than maintenance, repair,
21 or replacement.

22 (2) "Certificate of competency" means a document
23 issued by the division which evidences the competency of a
24 person to construct, install, inspect, maintain, or repair any
25 vertical conveyance elevator.

26 (3) "Certificate of operation" means a document issued
27 by the department which indicates that the conveyance has had
28 the required safety inspection and tests and that fees have
29 been paid as provided in this chapter.

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1 (4) "Conveyance" means an elevator, dumbwaiter,
2 escalator, moving sidewalk, platform lift, and stairway
3 chairlift.

4 (5) "Department" means the Department of Business and
5 Professional Regulation.~~that authorizes an elevator owner to~~
6 ~~operate the elevator and that is issued to the elevator owner~~
7 ~~when the division finds that the elevator complies with the~~
8 ~~requirements of this chapter.~~

9 (6)~~(4)~~ "Division" means the Division of Hotels and
10 Restaurants of the Department of Business and Professional
11 Regulation.

12 (7)~~(5)~~ "Elevator" means one of the following
13 mechanical devices:

14 (a) A hoisting and lowering mechanism, equipped with a
15 car and platform that moves in guide rails and serves two or
16 more landings to transport material or passengers or both.

17 (b) An escalator, which is a power-driven, inclined
18 continuous stairway used for raising or lowering passengers.

19 (c) A dumbwaiter, which is a hoisting and lowering
20 mechanism equipped with a car of limited size which moves in
21 guide rails and serves two or more landings.

22 (d) A moving walk, which is a type of
23 passenger-carrying device on which passengers stand or walk
24 and in which the passenger-carrying surface remains parallel
25 to its direction of motion and is uninterrupted.

26 (e) An inclined stairway chairlift, which is a device
27 used to transport physically handicapped persons over
28 architectural barriers.

29 (f) An inclined or vertical wheelchair lift, which is
30 a device used to transport wheelchair handicapped persons over
31 architectural barriers.

1 (8) "Escalator" means an installation defined as an
2 escalator in the Florida Building Code.

3 (9) "Existing installation" means an installation
4 defined as an "installation, existing" in the Florida Building
5 Code.

6 (10) "Elevator Safety Technical Advisory Committee"
7 means the committee appointed by the secretary of the
8 Department of Business and Professional Regulation.

9 (11) "Private residence" means a separate dwelling or
10 a separate apartment in a multiple dwelling which is occupied
11 by members of a single-family unit.

12 ~~(6) "Elevator company" means any person that~~
13 ~~constructs, installs, inspects, maintains, or repairs any~~
14 ~~elevator.~~

15 (12)(7) "Service maintenance contract" means a
16 contract that provides for routine examination, lubrication,
17 cleaning, adjustment, replacement of parts, and performance of
18 applicable code-required safety tests such as on a traction
19 elevator and annual relief pressure test on a hydraulic
20 elevator and any other service, repair, and maintenance
21 sufficient to ensure the safe operation of the elevator.

22 (13) "Temporarily dormant conveyance" means a
23 conveyance whose power supply has been disconnected by
24 removing fuses and placing a padlock on the mainline
25 disconnect switch in the "OFF" position. The car is parked and
26 the hoistway doors are in the closed and latched position. A
27 wire seal is installed on the mainline disconnect switch by a
28 certificate of competency elevator inspector. This
29 installation may not be used again until it has been put in
30 safe running order and is in condition for use. Annual
31 inspections shall continue for the duration of the temporarily

1 dormant status by a certificate of competency elevator
2 inspector. The temporarily dormant status is renewable on an
3 annual basis and may not exceed a 5-year period. The inspector
4 shall file a report with the chief elevator inspector
5 describing the current conditions. The wire seal and padlock
6 may not be removed for any purpose without permission from the
7 elevator inspector.

8 (14) "Temporary operation permit" means a document
9 issued by the department which permits the temporary use of a
10 noncompliant vertical conveyance as provided by rule.

11 (15) "Registered elevator company" means an entity
12 registered with and authorized by the division employing
13 persons to construct, install, inspect, maintain, or repair
14 any vertical conveyance. Each registered elevator company must
15 annually register with the division and maintain general
16 liability insurance coverage in the minimum amounts set by the
17 division.

18 (16) "Certified elevator inspector" is a natural
19 person registered with and authorized by the division to
20 construct, install, inspect, maintain, or repair any vertical
21 conveyance, after having properly acquired the qualified
22 elevator inspector credential from the National Association of
23 Elevator Safety Authorities. Such person shall remain so
24 authorized by the division only upon providing annual proof of
25 completion of 8 hours of continuing education and the
26 qualified elevator inspector credential remains in good
27 standing with the National Association of Elevator Safety
28 Authorities. A licensed mechanical engineer whose license is
29 in good standing may be authorized as a certified elevator
30 inspector by the division. Each certified elevator inspector
31 must annually register with the division and maintain general

1 liability insurance coverage in the minimum amounts set by the
2 division.

3 (17) "Certified elevator technician" means a natural
4 person authorized by the division to construct, install,
5 maintain, or repair any vertical conveyance, after having been
6 issued an elevator certificate of competency by the division.
7 Each certified elevator technician must annually register with
8 the division and maintain general liability insurance coverage
9 in the minimum amounts set by the division.

10 (18) "Elevator helper" means a natural person
11 performing work under the direct supervision of a certified
12 elevator inspector or an elevator technician to construct,
13 install, maintain, or repair any vertical conveyance.

14 (19) "Elevator certificate of competency" means a
15 credential issued by the division to any individual natural
16 person successfully completing an examination as prescribed by
17 rule and paying a fee of \$50. Such credential shall be valid
18 for and expire at the end of 1 year, and may be renewed by the
19 division when the division receives proof of the elevator
20 certificate of competency holder's completion of 8 hours of
21 continuing education and a renewal fee of \$50.

22
23 All other building transportation terms are defined in the
24 current Florida Building Code.

25 Section 7. Section 399.02, Florida Statutes, is
26 amended to read:

27 399.02 General requirements.--

28 (1) The Elevator Safety Technical Advisory Committee
29 division shall develop and submit to the Director of Hotels
30 and Restaurants regarding revisions to the elevator safety
31 code so that it is the same as or similar to the latest

1 versions of ASME A17.1, ASME A17.3, and ASME A18.1.~~Florida~~
2 ~~Building Commission for consideration an elevator safety code,~~
3 ~~which, when adopted within the Florida Building Code, applies~~
4 ~~to the installation, relocation, or alteration of an elevator~~
5 ~~for which a permit has been issued after October 1, 1990, and~~
6 ~~which must be the same as or similar to the latest revision of~~
7 ~~"The Safety Code for Elevators and Escalators ASME A17.1."~~

8 (2) This chapter covers the design, construction,
9 operation, inspection, testing, maintenance, alteration, and
10 repair of the following equipment and its associated parts and
11 hoistways:

12 (a) Hoisting and lowering mechanisms equipped with a
13 car or platform which move between two or more landings. This
14 equipment includes, but is not limited to, elevators, platform
15 lifts, and stairway chairlifts.

16 (b) Power-driven stairways and walkways for carrying
17 persons between landings. This equipment includes, but is not
18 limited to, escalators and moving walks.

19 (c) Hoisting and lowering mechanisms equipped with a
20 car which serves two or more landings and is restricted to the
21 carrying of material by its limited size or limited access to
22 the car. This equipment includes, but is not limited to,
23 dumbwaiters, material lifts, and dumbwaiters with
24 automatic-transfer devices.

25 (3) Equipment not covered by this chapter includes,
26 but is not limited to:

27 (a) Personnel hoists and material hoists within the
28 scope of ASME A10, as adopted by the Florida Building Code.

29 (b) Man lifts within the scope of ASME A90.1, as
30 adopted by the Florida Building Code.

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- 1 (c) Mobile scaffolds, towers, and platforms within the
2 scope of ANSI A92, as adopted by the Florida Building Code.
- 3 (d) Powered platforms and equipment for exterior and
4 interior maintenance within the scope of ASME A120.1, as
5 adopted by the Florida Building Code.
- 6 (e) Conveyors and related equipment within the scope
7 of ASME B20.1, as adopted by the Florida Building Code.
- 8 (f) Cranes, derricks, hoists, hooks, jacks, and slings
9 within the scope of ASME B30, as adopted by the Florida
10 Building Code.
- 11 (g) Industrial trucks within the scope of ASME B56, as
12 adopted by the Florida Building Code.
- 13 (h) Portable equipment, except for portable escalators
14 that are covered by the Florida Building Code.
- 15 (i) Tiered or piling machines used to move materials
16 to and from storage located and operating entirely within one
17 story.
- 18 (j) Equipment for feeding or positioning materials at
19 machine tools and printing presses.
- 20 (k) Skip or furnace hoists.
- 21 (l) Wharf ramps.
- 22 (m) Railroad car lifts or dumpers.
- 23 (n) Line jacks, false cars, shafters, moving
24 platforms, and similar equipment used for installing an
25 elevator by a contractor licensed in this state.
- 26 (o) Automated people movers at airports.
- 27 (p) Elevators in television and radio towers.
- 28 (q) Hand-operated dumbwaiters.
- 29 (r) Sewage pump station lifts.
- 30 (s) Automobile parking lifts.
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1 (t) Equipment covered in s. 1.2 of the Elevator Safety
2 Code.

3 (u) Elevators, inclined stairway chairlifts, and
4 inclined or vertical wheelchair lifts located in private
5 residences.

6 ~~(2)(a) The requirements of this chapter apply to~~
7 ~~equipment covered by s. 1.1 of the Elevator Safety Code.~~

8 ~~(b) The equipment not covered by this chapter~~
9 ~~includes, but is not limited to, the following: elevators,~~
10 ~~inclined stairway chairlifts, and inclined or vertical~~
11 ~~wheelchair lifts located in private residences; elevators in~~
12 ~~television and radio towers; hand-operated dumbwaiters; sewage~~
13 ~~pump station lifts; automobile parking lifts; and equipment~~
14 ~~covered in s. 1.2 of the Elevator Safety Code.~~

15 ~~(4)(3)~~ Each elevator shall have a serial number
16 assigned by the department ~~division~~ painted on or attached to
17 the elevator car in plain view and also to the driving
18 mechanism. This serial number shall be shown on all required
19 certificates and permits.

20 ~~(5)(4)(a)~~ The construction permitholder is responsible
21 for the correction of violations and deficiencies until the
22 elevator has been inspected and a certificate of operation has
23 been issued by the department ~~division~~. The construction
24 permitholder is responsible for all tests of new and altered
25 equipment until the elevator has been inspected and a
26 certificate of operation has been issued by the department
27 ~~division~~.

28 (b) The elevator owner is responsible for the safe
29 operation and proper maintenance of the elevator after it has
30 been inspected and a certificate of operation has been issued
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1 by the department ~~division~~. The responsibilities of the
2 elevator owner may be assigned by lease.

3 (c) The elevator owner shall report to the department
4 ~~division~~ 60 days before the expiration of the certificate of
5 operation whether there exists a service maintenance contract,
6 with whom the contract exists, and the details concerning the
7 provisions and implementation of the contract which the
8 department ~~division~~ requires. The department ~~division~~ shall
9 keep the names of companies with whom the contract exists
10 confidential pursuant to the public records exemption provided
11 in s. 119.14(4)(b)3. This annual contract report must be made
12 on forms supplied by the department ~~division~~. The elevator
13 owner must report any material change in the service
14 maintenance contract no fewer than 30 days before the
15 effective date of the change. The department ~~division~~ shall
16 determine whether the provisions of the service maintenance
17 contract and its implementation ensure the safe operation of
18 the elevator.

19 ~~(d) Each elevator company must register and have on~~
20 ~~file with the division a certificate of comprehensive general~~
21 ~~liability insurance evidencing coverage limits in the minimum~~
22 ~~amounts of \$100,000 per person and \$300,000 per occurrence and~~
23 ~~the name of at least one employee who holds a current~~
24 ~~certificate of competency issued under s. 399.045.~~

25 ~~(6)(5)~~ The department ~~division~~ is empowered to carry
26 out all of the provisions of this chapter relating to the
27 inspection and regulation of elevators and to enforce the
28 provisions of the Florida Building Code ~~which govern elevators~~
29 ~~and conveying systems in conducting the inspections authorized~~
30 ~~under this part to provide for the protection of the public~~
31 ~~health, welfare, and safety.~~

1 ~~(7)(6)~~ The Elevator Safety Technical Advisory
2 Committee division shall annually review the provisions of the
3 Safety Code for Elevators and Escalators ASME A17.1, ASME
4 A18.1, or other related model codes and amendments thereto,
5 concurrent with the update of the Florida Building Code and
6 recommend to the Florida Building Commission revisions to the
7 Florida Building Code to maintain the protection of the public
8 health, safety, and welfare.

9 Section 8. Section 399.03, Florida Statutes, is
10 amended to read:

11 399.03 Design, installation, and alteration of
12 conveyances elevators.--

13 (1) A conveyance covered by this chapter may not be
14 erected, constructed, installed, or altered within buildings
15 or structures unless a permit has been obtained from the
16 department before the work is commenced. When any material
17 alteration is made, the device must conform to applicable
18 requirements of the Florida Building Code for the alteration.
19 A permit required hereunder may not be issued except to a
20 person, firm, or corporation holding a current elevator
21 contractor's license issued under this chapter. A copy of the
22 permit must be kept at the construction site at all times
23 while the work is in progress.

24 (2) The department shall provide by rule for permit
25 application requirements and permit fees.

26 (3) Permits may be revoked for the following reasons:

27 (a) There are any false statements or
28 misrepresentations as to the material facts in the
29 application, plans, or specifications on which the permit was
30 based.

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1 (b) The permit was issued in error and not in
2 accordance with the code or rules.

3 (c) The work detailed under the permit is not being
4 performed in accordance with the provisions of the
5 application, plans, or specifications or with the code or
6 conditions of the permit.

7 (d) The construction permitholder to whom the permit
8 was issued fails or refuses to comply with a stop work order.

9 (4) A permit expires if:

10 (a) The work authorized by the permit is not commenced
11 within 6 months after the date of issuance, or within a
12 shorter period of time as the department may specify at the
13 time the permit is issued.

14 (b) The work is suspended or abandoned for a period of
15 60 days, or such shorter period of time as the department may
16 specify at the time the permit is issued, after the work has
17 been started. For good cause, the department may allow a
18 discretionary extension for the foregoing period.

19 (5) All new conveyance installations must be performed
20 by a person to whom a license to install or service a
21 conveyance has been issued. Subsequent to installation, the
22 licensed person, firm, or company must certify compliance with
23 the applicable sections of this chapter and the Florida
24 Building Code. Before any vertical conveyance is used, except
25 those in a private residence it must be inspected by a
26 licensed inspector not employed or associated with the
27 elevator construction permitholder and certified as meeting
28 the safety provisions of the Florida Building Code. Upon
29 successful inspection, the owner or lessee must apply to the
30 department for a certificate of operation from the department.
31 A fee as prescribed in this chapter must be paid for the

1 certificate of operation. It is the responsibility of the
2 licensed elevator construction permitholder to complete and
3 submit a first-time registration for a new installation.
4 Vertical conveyances, including stairway chairlifts, and
5 inclined or vertical wheelchair lifts located in private
6 residences are not required to obtain a certificate of
7 operation under this chapter.

8 (6) A certificate of operation expires July 31 of each
9 year and must be renewed prior to continued use of the
10 conveyance. A certificate of operation must be clearly
11 displayed on or in each conveyance or in the machine room for
12 use by and for the benefit of inspectors and code enforcement
13 personnel. Certificates of operation may only be renewed for
14 vertical conveyances having a current satisfactory inspection.

15 (7) The permitholder shall notify the department, in
16 writing, at least 7 days before completion of the work and
17 shall, in the presence of a licensed elevator inspector not
18 associated with or employed by the installing company or
19 contractor, subject the newly installed, relocated, or altered
20 portions of the elevator to tests required to show that the
21 elevator meets the applicable provisions of the Florida
22 Building Code.

23 (8)(1) Each elevator shall comply with the edition of
24 the Florida Building Code or Elevator Safety Code that was in
25 effect at the time of receipt of application for the
26 construction permit for the elevator.

27 (9)(2) Each alteration to, or relocation of, an
28 elevator shall comply with the edition of the Florida Building
29 Code or Elevator Safety Code that was in effect at the time of
30 receipt of the application for the construction permit for the
31 alteration or relocation.

1 ~~(10)(3)~~ When any change is made in the classification
2 of an elevator, the elevator shall comply with all of the
3 requirements of the version of the Florida Building Code or
4 Elevator Safety Code that were in effect at the time of
5 receipt of the application for the construction permit for the
6 change in classification.

7 Section 9. Section 399.049, Florida Statutes, is
8 created to read:

9 399.049 Certificate of competency.--

10 (1) SUSPENSION OR REVOCATION OF LICENSE OR CERTIFICATE
11 OF COMPETENCY.--The department may suspend or revoke a license
12 or certificate of competency issued under this chapter or
13 impose an administrative penalty of up to \$1,000 per violation
14 upon any licensee or certificateholder who commits any one or
15 more of the following violations:

16 (a) Any false statement as to a material matter in the
17 application.

18 (b) Fraud, misrepresentation, or bribery in securing a
19 license or certificate of competency.

20 (c) Failure to notify the department and the
21 certificate-of-operation holder of a conveyance covered by
22 this chapter that is not in compliance with the provisions of
23 the elevator safety code incorporated into the Florida
24 Building Code.

25 (d) Violation of any provision of this chapter.

26 (2) DISCIPLINARY ACTION.--Any disciplinary action
27 taken under this chapter must comply with chapter 120 and any
28 rules adopted thereunder.

29 Section 10. Section 399.061, Florida Statutes, is
30 amended to read:

31 399.061 Inspections; correction of deficiencies.--

1 (1)(a) All elevators or other conveyances subject to
2 this chapter must be annually inspected by a certified
3 elevator inspector through a third-party inspection service,
4 or by a municipality or county under contract with the
5 division, pursuant to s. 399.13. If the elevator or other
6 conveyance is by a third-party inspection service certified as
7 a qualified elevator inspector or maintained pursuant to a
8 service maintenance contract continuously in force, it shall
9 be inspected at least once every 2 years by a certified
10 elevator inspector who is not employed by or otherwise
11 associated with the maintenance company; however, if the
12 elevator is not an escalator or a dumbwaiter, serves only two
13 adjacent floors, and is covered by a service maintenance
14 contract, an inspection is not required so long as the service
15 contract remains in effect. A statement verifying the
16 existence, performance, and cancellation of each service
17 maintenance contract must be filed annually with the division
18 as prescribed by rule. All elevators covered by a service
19 maintenance contract shall be inspected by a
20 certificate-of-competency holder at least once every 2 years;
21 however, if the elevator is not an escalator or a dumbwaiter
22 and the elevator serves only two adjacent floors and is
23 covered by a service maintenance contract, no inspection shall
24 be required so long as the service contract remains in effect.
25 (b) The division may inspect an elevator whenever
26 necessary to ensure its safe operation or when a third-party
27 inspection service is not available for a routine inspection.
28 (2) The division may ~~shall~~ employ state elevator
29 inspectors to conduct the inspections as required by
30 subsection (1) and may charge an inspection fee for each
31 inspection in an amount sufficient to cover the costs of that

1 inspection, as provided by rule. Each state elevator inspector
2 shall hold a certificate of competency issued by the division.

3 (3) Whenever the division determines from the results
4 of any inspection that, in the interest of the public safety,
5 an elevator is in an unsafe condition, the division may seal
6 the elevator or order the discontinuance of the use of the
7 elevator until the division determines by inspection that such
8 elevator has been satisfactorily repaired or replaced so that
9 the elevator may be operated in a safe manner.

10 (4) When the division determines that an elevator is
11 in violation of this chapter, the division may issue an order
12 to the elevator owner requiring correction of the violation.

13 Section 11. Section 399.07, Florida Statutes, is
14 amended to read:

15 399.07 Certificates of operation; temporary operation
16 permits; fees.--

17 (1)(a) A certificate of operation may not be issued
18 until the elevator company supervisor signs an affidavit
19 stating that the elevator company supervisor directly
20 supervised construction or installation of the elevator.

21 (b) The certificate of operation is valid for a period
22 of 1 year unless sooner suspended or revoked. The department
23 ~~division~~ shall by rule adopt a fee schedule for the renewal of
24 certificates of operation. The renewal period commences on
25 August 1 of each year.

26 (c) The certificate of operation must be posted in a
27 conspicuous location on the elevator and must be framed with a
28 transparent cover.

29 (d) The department ~~division~~ shall charge an annual fee
30 for issuance of a certificate of operation in amount to be set
31 by rule. ~~The fee must be set by rule in an amount not to~~

1 ~~exceed \$100 for an elevator not covered by a service~~
2 ~~maintenance contract or \$50 for an elevator covered by a~~
3 ~~service maintenance contract.~~ However, a renewal application
4 for a certificate of operation filed with the department after
5 expiration date of the certificate must be accompanied by a
6 delinquency fee of \$50 in addition to the annual renewal fee
7 and any other fees required by law. The fees must be deposited
8 into the Hotel and Restaurant Trust Fund.

9 (2)(a) The department ~~division~~ may issue a temporary
10 operation permit authorizing the temporary use of an elevator
11 during installation or alteration to an elevator company or
12 general contractor acting as a general agent of an elevator
13 company. A temporary operation permit may not be issued until
14 the elevator has been inspected by a state elevator inspector
15 and tested under contract load; the hoistway is fully
16 enclosed; the hoistway doors and interlocks are installed; the
17 car is completely enclosed, including door or gate and top;
18 all electrical safety devices are installed and properly
19 functioning; and terminal stopping equipment is in place for a
20 safe runby and proper clearance. When a car is provided with
21 a temporary enclosure, the operating means must be by constant
22 pressure push-button or lever-type switch. The car may not
23 exceed the minimum safe operating speed of the elevator, and
24 the governor tripping speed must be set in accordance with the
25 operating speed of the elevator.

26 (b) A temporary operation permit must be issued for a
27 period not to exceed 30 days. The permit may be renewed at
28 the discretion of the department ~~division~~.

29 (c) When a temporary operation permit is issued, the
30 permit, together with a notice bearing a statement that the
31

1 elevator has not been finally approved by a state elevator
2 inspector, must be conspicuously posted in the elevator.

3 (d) The department ~~division~~ shall charge a fee, set by
4 rule in an amount not greater than \$100, for each temporary
5 operation permit. The fee must be deposited in the Hotel and
6 Restaurant Trust Fund.

7 (3) The certificate of operation shall contain the
8 text of s. 823.12, relating to the prohibition against smoking
9 in elevators.

10 (4) In addition to subsection (3), the designation "NO
11 SMOKING" along with the international symbol for no smoking
12 shall be conspicuously displayed within the interior of the
13 elevator in the plain view of the public.

14 (5) Except as authorized by a temporary operation
15 permit, the operation or use of any newly installed,
16 relocated, or altered elevator is prohibited until the
17 elevator has passed the tests and inspections required by this
18 chapter and a certificate of operation has been issued.

19 (6) The department ~~division~~ may suspend any
20 certificate of operation if it finds that the elevator is not
21 in compliance with this chapter or of rules adopted under this
22 chapter. The suspension remains in effect until the
23 department ~~division~~ determines, by inspection, that the
24 elevator has been brought into compliance.

25 Section 12. Section 399.10, Florida Statutes, is
26 amended to read:

27 399.10 Enforcement of law.--It shall be the duty of
28 the department ~~division~~ to enforce the provisions of this
29 chapter. The department ~~division~~ shall have rulemaking
30 authority to carry out the provisions of this chapter.

31

1 Section 13. Section 399.105, Florida Statutes, is
2 amended to read:

3 399.105 Administrative fines.--

4 (1) Any person who fails to comply with the reporting
5 requirements of s. 399.02 or with the reasonable requests of
6 the department ~~division~~ to determine whether the provisions of
7 a service maintenance contract and its implementation assure
8 safe elevator operation is subject to an administrative fine
9 not greater than \$1,000 ~~\$500~~ in addition to any other penalty
10 provided by law.

11 (2) Any person who commences the operation,
12 installation, relocation, or alteration of any elevator for
13 which a permit or certificate is required by this chapter
14 without having obtained from the department ~~division~~ the
15 permit or certificate is subject to an administrative fine not
16 greater than \$1,000 ~~\$500~~ in addition to any other penalty
17 provided by law. No fine may be imposed under this subsection
18 for commencing installation without a construction permit if
19 such permit is issued within 60 days after the actual
20 commencement of installation.

21 (3) An elevator owner who continues to operate an
22 elevator after notice to discontinue its use is subject to an
23 administrative fine not greater than \$1,000 ~~\$500~~ for each day
24 the elevator has been operated after the service of the
25 notice, in addition to any other penalty provided by law.

26 (4) An elevator owner who fails to comply with an
27 order issued under s. 399.061(4) within 60 days after its
28 issuance is subject, in addition to any other penalty provided
29 by law, to an administrative fine set by the department
30 ~~division~~ in an amount not to exceed \$1,000 ~~\$500~~.

31

1 (5) All administrative fines collected shall be
2 deposited into the Hotel and Restaurant Trust Fund.

3 Section 14. Section 399.106, Florida Statutes, is
4 created to read:

5 399.106 Elevator Safety Technical Advisory
6 Committee.--

7 (1) The Elevator Safety Technical Advisory Committee
8 is created within the Department of Professional Regulation,
9 Division of Hotel and Restaurants, consisting of seven members
10 to be appointed by the Secretary of the Department of Business
11 and Professional Regulation as follows: one representative
12 from a major elevator manufacturing company or its authorized
13 representative; one representative from an elevator servicing
14 company; one representative from a building design profession;
15 one representative of the general public; one representative
16 of a local government in this state; one representative of a
17 building owner or manager; one representative of labor
18 involved in the installation, maintenance, and repair of
19 elevators. The purpose of the committee is to provide
20 technical assistance to the division in support of protecting
21 the health, safety, and welfare of the public; to give the
22 division the benefit of the committee members' knowledge and
23 experience concerning the industries and individual businesses
24 affected by the laws and rules administered by the division.

25 (2) The committee members shall serve staggered terms
26 of 4 years to be set by rule without salary, but may receive
27 from the state expenses for per diem and travel. The
28 commission shall appoint one of the members to serve as chair.

29 (3) The committee shall meet and organize not later
30 than 45 days prior to the convening of the 2002 Legislature.
31 This committee terminates December 31, 2003.

1 (4) The committee may consult with engineering
2 authorities and organizations concerned with standard safety
3 codes for recommendations to the department regarding rules
4 and regulations governing the operation, maintenance,
5 servicing, construction, alteration, installation, or
6 inspection of vertical conveyances subject to this chapter.

7 Section 15. Section 399.11, Florida Statutes, is
8 amended to read:

9 399.11 Penalties.--

10 (1) Any person who violates any of the provisions of
11 this chapter or the rules of the department ~~division~~ is guilty
12 of a misdemeanor of the second degree, punishable as provided
13 in s. 775.082 or s. 775.083.

14 (2) Any person who falsely represents himself or
15 herself as credentialed under this chapter ~~a holder of a~~
16 ~~certificate of competency issued pursuant to s. 399.045~~ is
17 guilty of a misdemeanor of the second degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 Section 16. Section 399.125, Florida Statutes, is
20 amended to read:

21 399.125 Reporting of elevator accidents or incidents;
22 penalties.--Within 5 working days after any accident or
23 incident occurring in or upon any elevator, the certificate of
24 operation holder shall report the accident or incident to the
25 division on a forum prescribed by the division. Failure to
26 timely file this report is a violation of this chapter and
27 will subject the certificate of operation holder which
28 ~~accident results in bodily injury or death to any person and~~
29 ~~which is presumptively caused by the malfunction of the~~
30 ~~equipment or misuse by a passenger of the equipment, the~~
31 ~~elevator owner shall report to the division the date and time~~

1 ~~of the accident, the location of the elevator involved in the~~
2 ~~accident, whether there exists a service maintenance contract,~~
3 ~~and, if so, with whom. Any elevator owner who fails to file~~
4 ~~such report within 5 working days after an accident is subject~~
5 ~~to an administrative fine, to be imposed by the division, in~~
6 ~~an amount not to exceed \$1,000 \$500.~~

7 Section 17. Section 399.13, Florida Statutes, is
8 amended to read:

9 399.13 Delegation of authority to municipalities or
10 counties.--

11 (1) The department ~~division~~ may enter into contracts
12 with municipalities or counties under which such
13 municipalities or counties will issue construction permits,
14 temporary operation permits, and certificates of operation;
15 will provide inspection of elevators; and will enforce the
16 applicable provisions of the Florida Building Code, as
17 required by this chapter. Each such agreement shall include a
18 provision that the municipality or county shall maintain for
19 inspection by the department ~~division~~ copies of all
20 applications for permits issued, a copy of each inspection
21 report issued, and proper records showing the number of
22 certificates of operation issued; shall include a provision
23 that each required inspection be conducted by the holder of a
24 certificate of competency issued by the department ~~division~~;
25 and may include such other provisions as the department
26 ~~division~~ deems necessary.

27 (2) The department ~~division~~ may make inspections of
28 elevators in such municipality or county for the purpose of
29 determining that the provisions of this chapter are being met
30 and may cancel the contract with any municipality or county
31 which the department ~~division~~ finds has failed to comply with

1 such contract or the provisions of this chapter. The
2 amendments to chapter 399 by this act shall apply only to the
3 installation, relocation, or alteration of an elevator for
4 which a permit has been issued after October 1, 1990.

5 Section 18. Sections 399.045 and 399.05, Florida
6 Statutes, are repealed.

7 Section 19. Effective upon this act becoming a law,
8 subsection (3) of section 489.509, Florida Statutes, is
9 amended to read:

10 489.509 Fees.--

11 (3) Four dollars of each fee under subsection (1) paid
12 to the department at the time of application or renewal shall
13 be transferred at the end of each licensing period to the
14 Department of Community Affairs ~~Education~~ to fund projects
15 relating to the building construction industry or continuing
16 education programs offered to persons engaged in the building
17 construction industry in Florida. The board shall, at the time
18 the funds are transferred, advise the Department of Community
19 Affairs ~~Education~~ on the most needed areas of research or
20 continuing education based on significant changes in the
21 industry's practices or on the most common types of consumer
22 complaints or on problems costing the state or local
23 governmental entities substantial waste. The board's advice is
24 not binding on the Department of Community Affairs ~~Education~~.
25 ~~The Department of Education must allocate 50 percent of the~~
26 ~~funds to a graduate program in building construction in a~~
27 ~~Florida university and 50 percent of the funds to all~~
28 ~~accredited private and state universities and community~~
29 ~~colleges within the state offering approved courses in~~
30 ~~building construction, with each university or college~~
31 ~~receiving a pro rata share of such funds based upon the number~~

1 ~~of full-time building construction students enrolled at the~~
2 ~~institution.~~The Department of Community Affairs Education
3 shall ensure the distribution of research reports and the
4 availability of continuing education programs to all segments
5 of the building construction industry to which they relate.
6 The Department of Community Affairs Education shall report to
7 the board in October of each year, summarizing the allocation
8 of the funds by institution and summarizing the new projects
9 funded and the status of previously funded projects. ~~The~~
10 ~~Commissioner of Education is directed to appoint one~~
11 ~~electrical contractor and one certified alarm system~~
12 ~~contractor to the Building Construction Industry Advisory~~
13 ~~Committee.~~

14 Section 20. Effective January 1, 2003, paragraph (f)
15 is added to subsection (3) of section 489.537, Florida
16 Statutes, to read:

17 489.537 Application of this part.--

18 (3) Nothing in this act limits the power of a
19 municipality or county:

20 (f) To require that one electrical journeyman, who is
21 a graduate of the Institute of Applied Technology in
22 Construction Excellence or licensed pursuant to s. 489.5335,
23 be present on an industrial or commercial new construction
24 site with a facility of 50,000 gross square feet or more when
25 electrical work in excess of 77 volts is being performed in
26 order to supervise or perform such work, except as provided in
27 s. 489.503.

28 Section 21. Effective upon this act becoming a law,
29 present subsections (7) through (15) of section 553.36,
30 Florida Statutes, are redesignated as subsections (8) through
31

1 (16), respectively, and a new subsection (7) is added to that
2 section, to read:

3 553.36 Definitions.--The definitions contained in this
4 section govern the construction of this part unless the
5 context otherwise requires.

6 (7) "Factory-built school shelter" means any
7 site-assembled or factory-built school building that is
8 designed to be portable, relocatable, demountable, or
9 reconstructible and that complies with the provisions for
10 enhanced hurricane protection areas, as required by the
11 applicable code.

12 Section 22. Effective upon this act becoming a law,
13 section 553.415, Florida Statutes, is amended to read:

14 553.415 Factory-built school buildings.--

15 (1) It is the purpose of this section to provide an
16 alternative procedure for the construction and installation of
17 factory-built school buildings designed or intended for use as
18 school buildings. As used in this section, the term
19 "factory-built school building" means any building designed or
20 intended for use as a school building, which is in whole or in
21 part, manufactured at an offsite facility in compliance with
22 the State Uniform Code for Public Educational Facilities and
23 Department of Education rule, effective on January 5, 2000.
24 After January 1, 2002 ~~July 1, 2001~~, the Uniform Code for
25 Public Educational Facilities shall be incorporated into the
26 Florida Building Code, including specific requirements for
27 Public Educational Facilities and the Department of Education
28 rule, effective on January 5, 2000. For the purpose of this
29 section, factory-built school buildings include prefabricated
30 educational facilities, factory-built educational facilities,
31 and modular-built educational facilities, that are designed to

1 be portable, relocatable, demountable, or reconstructible; are
2 used primarily as classrooms or the components of an entire
3 school; and do not fall under the provisions of ss.
4 320.822-320.862.

5 (2) A manufacturer of factory-built school buildings
6 shall be subject to the certification and enforcement
7 requirements in this part except as provided in this section.

8 (3) Within 90 days after the effective date of this
9 section, the department shall adopt by emergency rule
10 regulations to carry out the provisions of this section. Such
11 rule shall ensure the safety of design, construction,
12 accessibility, alterations, and inspections and shall also
13 prescribe procedures for the plans, specifications, and
14 methods of construction to be submitted to the department for
15 approval.

16 (4) A manufacturer of factory-built school buildings
17 designed or intended for use as school buildings shall submit
18 to the department for approval the manufacturer's plans,
19 specifications, alterations, and methods of construction. The
20 department is authorized to charge manufacturers a fee which
21 reflects the actual expenses incurred for the review of such
22 plans and specifications.

23 (5) The department, in accordance with the standards
24 and procedures adopted pursuant to this section and as such
25 standards and procedures may thereafter be modified, shall
26 approve or reject such plans, specifications, and methods of
27 construction. Approval shall not be given unless such plans,
28 specifications, and methods of construction are in compliance
29 with the State Uniform Building Code for Public Educational
30 Facilities and department rule. After January 1, 2002 ~~July 1,~~
31 ~~2001~~, the Uniform Code for Public Educational facilities shall

1 be incorporated into the Florida Building Code, including
2 specific requirements for public educational facilities and
3 department rule.

4 (6) The department may delegate its plans review
5 authority to a state agency or public or private entity;
6 however, the department shall ensure that any person
7 conducting plans reviews is a certified plans examiner,
8 pursuant to part XII of chapter 468.

9 (7) A standard plan approval may be obtained from the
10 department for factory-built school buildings and such
11 department-approved plans shall be accepted by the enforcement
12 agency as approved for the purpose of obtaining a construction
13 permit for the structure itself. The department, or its
14 designated representative, shall determine if the plans
15 qualify for purposes of a factory-built school shelter, as
16 defined in s. 553.36.

17 (8) Any amendment to the State Uniform Code for Public
18 Educational Facilities, and after January 1, 2002 ~~July 1,~~
19 ~~2001,~~ the Florida Building Code, shall become effective 180
20 days after the amendment is filed with the Secretary of State.
21 Notwithstanding the 180-day delayed effective date, the
22 manufacturer shall submit and obtain a revised approved plan
23 within the 180 days. A revised plan submitted pursuant to
24 this subsection shall be processed as a renewal or revision
25 with appropriate fees. A plan submitted after the period of
26 time provided shall be processed as a new application with
27 appropriate fees.

28 (9) The school district or community college district
29 for which any factory-built school building is constructed or
30 altered after July 1, 2001, shall provide for periodic
31 inspection of the proposed factory-built school building

1 during each phase of construction or alteration. The inspector
2 shall act under the direction of the governing board for
3 employment purposes. This subsection does not prevent a school
4 district or community college district from purchasing or
5 otherwise using a factory-built school building that has been
6 inspected during all phases of construction or alteration
7 conducted after July 1, 2001, by another school district or
8 community college or by an approved inspection agency
9 certified pursuant to s. 553.36(2). If a factory-built school
10 building is constructed or altered for an entity other than a
11 school district or community college district, such entity may
12 employ at its election a school district, community college
13 district, or such approved inspection agency to conduct such
14 inspections. A school district or community college district
15 so employed may charge such entity for services at reasonable
16 rates comparable to those charged for similar services by
17 approved inspection agencies.

18 (10) The department shall, by rule, develop forms and
19 reporting periods for the architect or structural engineer in
20 charge of the supervision of the work of construction in the
21 factory, the inspector on the work, and the manufacturer
22 verifying that based upon personal knowledge, the work during
23 the period covered by the report has been performed, and the
24 materials used and installed, in every particular, in
25 accordance with the approved plans and specifications, setting
26 forth such detailed statements of facts as required by the
27 department.

28 (11) The department shall develop a unique
29 identification label to be affixed to all newly constructed
30 factory-built school buildings and existing factory-built
31 school buildings which have been brought into compliance with

1 the standards for existing "satisfactory" buildings pursuant
2 to chapter 5 of the Uniform Code for Public Educational
3 Facilities, and after January 1, 2002 ~~July 1, 2001~~, the
4 Florida Building Code. The department may charge a fee for
5 issuing such labels. Such labels, bearing the department's
6 name and state seal, shall at a minimum, contain:

7 (a) The name of the manufacturer.

8 (b) The standard plan approval number or alteration
9 number.

10 (c) The date of manufacture or alteration.

11 (d) The serial or other identification number.

12 (e) The following designed-for loads: lbs. per square
13 foot live load; lbs. per square foot floor live load; lbs. per
14 square foot horizontal wind load; and lbs. per square foot
15 wind uplift load.

16 (f) The designed-for flood zone usage.

17 (g) The designed-for wind zone usage.

18 (h) The designed-for enhanced hurricane protection
19 zone usage: yes or no.

20 (12) Such identification label shall be permanently
21 affixed by the manufacturer in the case of newly constructed
22 factory-built school buildings, or by the department or its
23 designee in the case of an existing factory-built building
24 altered to comply with provisions of s. 235.061.

25 (13) As of July 1, 2001, all ~~existing and~~ newly
26 constructed factory-built school buildings shall bear a label
27 pursuant to subsection (12). As of July 1, 2002, existing
28 factory-built school buildings and manufactured building used
29 as classrooms and not bearing such label shall not be used as
30 classrooms pursuant to s. 235.061.

31

1 (14) Nothing in this section shall affect any
2 requirement for compliance with firesafety criteria.

3 Section 23. Effective July 1, 2001, section 553.505,
4 Florida Statutes, is amended to read:

5 553.505 Exceptions to applicability of the Americans
6 with Disabilities Act.--Notwithstanding the Americans with
7 Disabilities Act of 1990, private clubs are governed by ss.
8 553.501-553.513. Parking spaces, parking lots, and other
9 parking facilities are governed by s. 553.5041 ~~s. 316.1955~~,
10 when that section provides increased accessibility.

11 Section 24. Effective July 1, 2001, section 553.507,
12 Florida Statutes, is amended to read:

13 553.507 Exemptions.--Sections 553.501-553.513 ~~and s.~~
14 ~~316.1955(4)~~ do not apply to any of the following:

15 (1) Buildings, structures, or facilities that were
16 either under construction or under contract for construction
17 on October 1, 1997.

18 (2) Buildings, structures, or facilities that were in
19 existence on October 1, 1997, unless:

20 (a) The building, structure, or facility is being
21 converted from residential to nonresidential or mixed use, as
22 defined by local law;

23 (b) The proposed alteration or renovation of the
24 building, structure, or facility will affect usability or
25 accessibility to a degree that invokes the requirements of s.
26 303(a) of the Americans with Disabilities Act of 1990; or

27 (c) The original construction or any former alteration
28 or renovation of the building, structure, or facility was
29 carried out in violation of applicable permitting law.

30 Section 25. Subsections (2) and (3), paragraph (b) of
31 subsection (4) and subsections (5), (6), and (7) of section

ENROLLED

2001 Legislature

CS for CS for SB's 336 & 190
2nd Engrossed

1 553.73, Florida Statutes, as amended by section 40 of chapter
2 98-287, Laws of Florida, as amended by section 61 of chapter
3 98-419, Laws of Florida, as amended by sections 73, 74, and 75
4 of chapter 2000-141, Laws of Florida, and section 62 of
5 chapter 2000-154, Laws of Florida, are amended, and present
6 subsections (8), (9), and (10) of that section are
7 redesignated as subsections (9), (10), and (11), respectively,
8 to read:

9 553.73 State Minimum Building Codes.--
10 (2) The Florida Building Code shall contain provisions
11 or requirements for public and private buildings, structures,
12 and facilities relative to structural, mechanical, electrical,
13 plumbing, energy, and gas systems, existing buildings,
14 historical buildings, manufactured buildings, elevators,
15 coastal construction, lodging facilities, food sales and food
16 service facilities, health care facilities, including assisted
17 living facilities, adult day care facilities, and facilities
18 for the control of radiation hazards, public or private
19 educational facilities, swimming pools, and correctional
20 facilities and enforcement of and compliance with such
21 provisions or requirements. Further, the Florida Building Code
22 must provide for uniform implementation of ss. 515.25, 515.27,
23 and 515.29 by including standards and criteria for residential
24 swimming pool barriers, pool covers, latching devices, door
25 and window exit alarms, and other equipment required therein,
26 which are consistent with the intent of s. 515.23. Technical
27 provisions to be contained within the Florida Building Code
28 are restricted to requirements related to the types of
29 materials used and construction methods and standards employed
30 in order to meet criteria specified in the Florida Building
31 Code. Provisions relating to the personnel, supervision or

1 training of personnel, or any other professional qualification
2 requirements relating to contractors or their workforce may
3 not be included within the Florida Building Code, and
4 subsections (4), (5), and (6) are not to be construed to allow
5 the inclusion of such provisions within the Florida Building
6 Code by amendment. This restriction applies to both initial
7 development and amendment of the Florida Building Code.

8 (3) The commission shall select from available
9 national or international model building codes, or other
10 available building codes and standards currently recognized by
11 the laws of this state, to form the foundation for the Florida
12 Building Code. The commission may modify the selected model
13 codes and standards as needed to accommodate the specific
14 needs of this state. Standards or criteria referenced by the
15 selected model codes shall be similarly incorporated by
16 reference. If a referenced standard or criterion requires
17 amplification or modification to be appropriate for use in
18 this state, only the amplification or modification shall be
19 specifically set forth in the Florida Building Code. The
20 Florida Building Commission may approve technical amendments
21 to the code after the amendments have been subject to the
22 following conditions:

23 (a) The proposed amendment has been published on the
24 commission's website for a minimum of 45 days and all the
25 associated documentation has been made available to any
26 interested party before any consideration by any Technical
27 Advisory Committee;

28 (b) In order for a Technical Advisory Committee to
29 make a favorable recommendation to the commission, the
30 proposal must receive a three-fourths vote of the members
31 present at the Technical Advisory Committee meeting and at

1 least half of the regular members must be present in order to
2 conduct a meeting;

3 (c) After Technical Advisory Committee consideration
4 and a recommendation for approval of any proposed amendment,
5 the proposal must be published on the commission's website for
6 not less than 45 days before any consideration by the
7 commission; and

8 (d) Any proposal may be modified by the commission
9 based on public testimony and evidence from a public hearing
10 held in accordance with chapter 120.

11
12 The commission shall incorporate within sections of the
13 Florida Building Code provisions which address regional and
14 local concerns and variations. The commission shall make every
15 effort to minimize conflicts between the Florida Building
16 Code, the Florida Fire Prevention Code, and the Life Safety
17 Code.

18 (4)

19 (b) Local governments may, subject to the limitations
20 of this section, adopt amendments to the technical provisions
21 of the Florida Building Code which apply solely within the
22 jurisdiction of such government and which provide for more
23 stringent requirements than those specified in the Florida
24 Building Code, not more than once every 6 months, provided:

25 1. The local governing body determines, following a
26 public hearing which has been advertised in a newspaper of
27 general circulation at least 10 days before the hearing, that
28 there is a need to strengthen the requirements of the Florida
29 Building Code. The determination must be based upon a review
30 of local conditions by the local governing body, which review
31 demonstrates that local conditions justify more stringent

1 requirements than those specified in the Florida Building Code
2 for the protection of life and property.

3 2. Such additional requirements are not discriminatory
4 against materials, products, or construction techniques of
5 demonstrated capabilities.

6 3. Such additional requirements may not introduce a
7 new subject not addressed in the Florida Building Code.

8 4. The enforcing agency shall make readily available,
9 in a usable format, all amendments adopted pursuant to this
10 section.

11 5. Any amendment to the Florida Building Code shall be
12 transmitted within 30 days by the adopting local government to
13 the commission. The commission shall maintain copies of all
14 such amendments in a format that is usable and obtainable by
15 the public.

16 6. Any amendment to the Florida Building Code adopted
17 by a local government pursuant to this paragraph shall be
18 effective only until the adoption by the commission of the new
19 edition of the Florida Building Code every third year. At
20 such time, the commission shall review such amendment for
21 consistency with the criteria in paragraph (6)(a) and adopt
22 such amendment as part of the Florida Building Code or rescind
23 the amendment. The commission shall immediately notify the
24 respective local government of the rescission of any
25 amendment. After receiving such notice, the respective local
26 government may readopt the rescinded amendment pursuant to the
27 provisions of this paragraph.

28 7. Each county and municipality desiring to make local
29 technical amendments to the Florida Building Code shall by
30 interlocal agreement establish a countywide compliance review
31 board to review any amendment to the Florida Building Code,

1 adopted by a local government within the county pursuant to
2 this paragraph, that is challenged by any substantially
3 affected party for purposes of determining the amendment's
4 compliance with this paragraph. If the compliance review board
5 determines such amendment is not in compliance with this
6 paragraph, the compliance review board shall notify such local
7 government of the noncompliance and that the amendment is
8 invalid and unenforceable until the local government corrects
9 the amendment to bring it into compliance. The local
10 government may appeal the decision of the compliance review
11 board to the commission, which shall conduct a hearing under
12 chapter 120 and the uniform rules of procedure. If the
13 compliance review board determines such amendment to be in
14 compliance with this paragraph, any substantially affected
15 party may appeal such determination to the commission, which
16 shall conduct a hearing under chapter 120 and the uniform
17 rules of procedure. Actions of the commission are subject to
18 judicial review pursuant to s. 120.68. The compliance review
19 board shall determine whether its decisions apply to a
20 respective local jurisdiction or apply countywide.

21 8. An amendment adopted under this paragraph shall
22 include a fiscal impact statement which documents the costs
23 and benefits of the proposed amendment. Criteria for the
24 fiscal impact statement shall include the impact to local
25 government relative to enforcement, the impact to property and
26 building owners, as well as to industry, relative to the cost
27 of compliance. The fiscal impact statement may not be used as
28 a basis for challenging the amendment for compliance.

29 9. In addition to subparagraphs 7. and 8., the
30 commission may review any amendments adopted pursuant to this
31

1 subsection and make nonbinding recommendations related to
2 compliance of such amendments with this subsection.

3 ~~(5) The commission, by rule adopted pursuant to ss.~~
4 ~~120.536(1) and 120.54, shall update the Florida Building Code~~
5 ~~every 3 years.~~The initial adoption of, and any subsequent
6 update or amendment to, the Florida Building Code by the
7 commission is deemed adopted for use statewide without
8 adoptions by local government. For a building permit for which
9 an application is submitted prior to the effective date of the
10 Florida Building Code, the state minimum building code in
11 effect in the permitting jurisdiction on the date of the
12 application governs the permitted work for the life of the
13 permit and any extension granted to the permit.

14 (6) The commission, by rule adopted pursuant to ss.
15 120.536(1) and 120.54, shall update the Florida Building Code
16 every 3 years.When updating the Florida Building Code, the
17 commission shall consider changes made by the adopting entity
18 of any selected model code for any model code incorporated
19 into the Florida Building Code, and may subsequently adopt the
20 new edition or successor of the model code or any part of such
21 code, no sooner than 6 months after such model code has been
22 adopted by the adopting organization,which may then be
23 modified for this state as provided in this section, and shall
24 further consider the commission's own interpretations,
25 declaratory statements, appellate decisions, and approved
26 statewide and local technical amendments. A change made by an
27 institute or standards organization to any standard or
28 criterion that is adopted by reference in the Florida Building
29 Code does not become effective statewide until it has been
30 adopted by the commission. Furthermore,the edition of the
31 Florida Building Code which is in effect on the date of

1 application for ~~of~~ any permit authorized by the code governs
2 the permitted work for the life of the permit and any
3 extension granted to the permit. Any amendment to the Florida
4 Building Code which is adopted upon a finding by the
5 commission that the amendment is necessary to protect the
6 public from immediate threat of harm takes effect immediately.

7 (7)~~(6)~~(a) The commission may approve technical
8 amendments to the Florida Building Code once each year for
9 statewide or regional application upon a finding that the
10 amendment:

11 1. Has a reasonable and substantial connection with
12 the health, safety, and welfare of the general public.

13 2. Strengthens or improves the Florida Building Code,
14 or in the case of innovation or new technology, will provide
15 equivalent or better products or methods or systems of
16 construction.

17 3. Does not discriminate against materials, products,
18 methods, or systems of construction of demonstrated
19 capabilities.

20 4. Does not degrade the effectiveness of the Florida
21 Building Code.

22
23 Furthermore, the Florida Building Commission may approve
24 technical amendments to the code once each year to incorporate
25 into the Florida Building Code its own interpretations of the
26 code which are embodied in its opinions and declaratory
27 statements. Amendments approved under this paragraph shall be
28 adopted by rule pursuant to ss. 120.536(1) and 120.54, after
29 the amendments have been subjected to the provisions of
30 subsection (3).

31

1 (b) A proposed amendment shall include a fiscal impact
2 statement which documents the costs and benefits of the
3 proposed amendment. Criteria for the fiscal impact statement
4 shall be established by rule by the commission and shall
5 include the impact to local government relative to
6 enforcement, the impact to property and building owners, as
7 well as to industry, relative to the cost of compliance.

8 (c) The commission may not approve any proposed
9 amendment that does not accurately and completely address all
10 requirements for amendment which are set forth in this
11 section.

12 (8)~~(7)~~ The following buildings, structures, and
13 facilities are exempt from the Florida Building Code as
14 provided by law, and any further exemptions shall be as
15 determined by the Legislature and provided by law:

16 (a) Buildings and structures specifically regulated
17 and preempted by the Federal Government.

18 (b) Railroads and ancillary facilities associated with
19 the railroad.

20 (c) Nonresidential farm buildings on farms.

21 (d) Temporary buildings or sheds used exclusively for
22 construction purposes.

23 (e) Mobile homes used as temporary offices, except
24 that the provisions of part V relating to accessibility by
25 persons with disabilities shall apply to such mobile homes.

26 (f) Those structures or facilities of electric
27 utilities, as defined in s. 366.02, which are directly
28 involved in the generation, transmission, or distribution of
29 electricity.

30 (g) Temporary sets, assemblies, or structures used in
31 commercial motion picture or television production, or any

1 sound-recording equipment used in such production, on or off
2 the premises.

3 (h) Storage sheds that are not designed for human
4 habitation and that have a floor area of 720 square feet or
5 less are not required to comply with the mandatory
6 wind-borne-debris-impact standards of the Florida Building
7 Code.

8 (i) Chickees constructed by the Miccosukee Tribe of
9 Indians of Florida or the Seminole Tribe of Florida. As used
10 in this paragraph, the term "chickee" means an open-sided
11 wooden hut that has a thatched roof of palm or palmetto or
12 other traditional materials, and that does not incorporate any
13 electrical, plumbing, or other nonwood features.

14
15 With the exception of paragraphs (a), (b), (c), and (f), in
16 order to preserve the health, safety, and welfare of the
17 public, the Florida Building Commission may, by rule adopted
18 pursuant to chapter 120, provide for exceptions to the broad
19 categories of buildings exempted in this section, including
20 exceptions for application of specific sections of the code or
21 standards adopted therein. The Department of Agriculture and
22 Consumer Services shall have exclusive authority to adopt by
23 rule, pursuant to chapter 120, exceptions to nonresidential
24 farm buildings exempted in paragraph (c) when reasonably
25 necessary to preserve public health, safety, and welfare. The
26 exceptions must be based upon specific criteria, such as
27 under-roof floor area, aggregate electrical service capacity,
28 HVAC system capacity, or other building requirements. Further,
29 the commission may recommend to the Legislature additional
30 categories of buildings, structures, or facilities which
31

1 should be exempted from the Florida Building Code, to be
2 provided by law.

3 Section 26. Paragraphs (e) and (h) of subsection (1)
4 and subsections (2) and (6) of section 553.77, Florida
5 Statutes, as amended by section 46 of chapter 98-287, Laws of
6 Florida, as amended by section 78 of chapter 2000-141, Laws of
7 Florida, as amended by section 79 of chapter 2000-141, Laws of
8 Florida, are amended, and subsection (7) is added to that
9 section, to read:

10 553.77 Specific powers of the commission.--

11 (1) The commission shall:

12 (e) When requested in writing by any substantially
13 affected person, state agency, or a local enforcing agency,
14 shall issue declaratory statements pursuant to s. 120.565
15 relating to this part and ss. 515.25, 515.27, 515.29, and
16 515.37. Actions of the commission are subject to judicial
17 review pursuant to s. 120.68.

18 (h) Hear appeals of the decisions of local boards of
19 appeal regarding interpretation decisions of local building
20 officials, or if no local board exists, hear appeals of
21 decisions of the building officials regarding interpretations
22 of the code. For such appeals:

23 1. Local decisions declaring structures to be unsafe
24 and subject to repair or demolition shall not be appealable to
25 the commission if the local governing body finds there is an
26 immediate danger to the health and safety of its citizens.

27 2. All appeals shall be heard in the county of the
28 jurisdiction defending the appeal.

29 3. Hearings shall be conducted pursuant to chapter 120
30 and the uniform rules of procedure, and decisions ~~Actions~~ of
31

1 the commission are subject to judicial review pursuant to s.
2 120.68.

3 ~~(2) With respect to the qualification program for~~
4 ~~special inspectors of threshold buildings as required by s.~~
5 ~~553.79(5)(c), the commission may prescribe initial and annual~~
6 ~~renewal fees for certification, by rule, in accordance with~~
7 ~~chapter 120.~~

8 (6) The commission may provide by rule for plans
9 review and approval of prototype buildings owned by public and
10 private entities to be replicated throughout the state. The
11 rule must allow for review and approval of plans for prototype
12 buildings to be performed by a public or private entity with
13 oversight by the commission. The department may charge
14 reasonable fees to cover the administrative costs of the
15 program. Such approved plans or prototype buildings shall be
16 exempt from further review required by s. 553.79(2), except
17 changes to the prototype design, site plans, and other
18 site-related items. As provided in s. 553.73, prototype
19 buildings are exempt from, or any locally adopted local
20 amendment to any part of the Florida Building Code.
21 Construction or erection of such prototype buildings is
22 subject to local permitting and inspections pursuant to this
23 part.

24 (7) The commission may produce and distribute a
25 commentary document to accompany the Florida Building Code.
26 The commentary must be limited in effect to providing
27 technical assistance and must not have the effect of binding
28 interpretations of the code document itself.

29 Section 27. Subsections (2) and (6) of section 553.79,
30 Florida Statutes, as amended by section 49 of chapter 98-287,
31

1 Laws of Florida, as amended by sections 83 and 84 of chapter
2 2000-141, Laws of Florida, are amended to read:
3 553.79 Permits; applications; issuance; inspections.--
4 (2) Except as provided in subsection (6), an ~~No~~
5 enforcing agency may not issue any permit for construction,
6 erection, alteration, modification, repair, or demolition of
7 any building or structure until the local building code
8 administrator or inspector has reviewed the plans and
9 specifications required by the Florida Building Code, or local
10 amendment thereto,for such proposal and found the plans to be
11 in compliance with the Florida Building Code. In addition, an
12 enforcing agency may not issue any permit for construction,
13 erection, alteration, modification, repair, or demolition of
14 any building until the appropriate firesafety inspector
15 certified pursuant to s. 633.081 has reviewed the plans and
16 specifications required by the Florida Building Code, or local
17 amendment thereto,for such proposal and found that the plans
18 comply with the Florida Fire Prevention Code and the Life
19 Safety Code. Any building or structure which is not subject to
20 a firesafety code shall not be required to have its plans
21 reviewed by the firesafety inspector. Any building or
22 structure that is exempt from the local building permit
23 process may not be required to have its plans reviewed by the
24 local building code administrator. Industrial construction on
25 sites where design, construction, and firesafety are
26 supervised by appropriate design and inspection professionals
27 and which contain adequate in-house fire departments and
28 rescue squads is exempt, subject to local government option,
29 from review of plans and inspections, providing owners certify
30 that applicable codes and standards have been met and supply
31 appropriate approved drawings to local building and firesafety

1 inspectors. The enforcing agency shall issue a permit to
2 construct, erect, alter, modify, repair, or demolish any
3 building or structure when the plans and specifications for
4 such proposal comply with the provisions of the Florida
5 Building Code and the Florida Fire Prevention Code and the
6 Life Safety Code as determined by the local authority in
7 accordance with this chapter and chapter 633.

8 (6) A permit may not be issued for any building
9 construction, erection, alteration, modification, repair, or
10 addition unless the applicant for such permit complies with
11 the requirements for plan review established by the Florida
12 Building Commission within the Florida Building Code. However,
13 the code shall set standards and criteria to authorize
14 preliminary construction before completion of all building
15 plans review, including, but not limited to, special permits
16 for the foundation only, and such standards shall take effect
17 concurrent with the first effective date of the Florida
18 Building Code.

19 Section 28. Effective upon this act becoming a law,
20 section 553.84, Florida Statutes, as amended by section 88 of
21 chapter 2000-141, Laws of Florida, is amended to read:

22 553.84 Statutory civil action.--Notwithstanding any
23 other remedies available, any person or party, in an
24 individual capacity or on behalf of a class of persons or
25 parties, damaged as a result of a violation of this part or
26 the Florida Building Code, has a cause of action in any court
27 of competent jurisdiction against the person or party who
28 committed the violation; however, if the person or party
29 obtains the required building permits and any local government
30 or public agency with authority to enforce the Florida
31 Building Code approves the plans, if the construction project

1 passes all required inspections under the code, and if there
2 is no personal injury or damage to property other than the
3 property that is the subject of the permits, plans, and
4 inspections, this section does not apply unless the person or
5 party knew or should have known that the violation existed.

6 Section 29. Effective upon this act becoming a law,
7 section 553.8412, Florida Statutes, is created to read:

8 553.8412 Legislative intent; delivery of training;
9 outsourcing.--

10 (1) The number of licensees who will require initial
11 training for the Florida Building Code is in excess of
12 100,000. It is the intent of the Legislature that the Florida
13 Building Commission make sure that initial training for the
14 Florida Building Code be achieved as soon as practicable to
15 ensure compliance. It is further the intent of the Legislature
16 that the Florida Building Commission encourage and promote
17 improved coordination between industry associations as a way
18 to achieve better compliance with Florida's building codes.

19 (2) Not more than 60 days after the effective date of
20 this section, the Florida Building Commission and the
21 department shall provide for statewide outreach for training
22 on the Florida Building Code. The Florida Building Commission
23 and the department shall achieve statewide outreach for
24 training through organizations, including, but not limited to,
25 existing licensee trade and professional associations. The
26 Florida Building Commission or the department may not exclude
27 participation in statewide outreach by any trade or
28 professional association that has as its primary constituency
29 members who are required to comply with the training
30 requirements of the Florida Building Code. Wherever possible
31 and by contract pursuant to s. 287.057, the Florida Building

1 Commission and the department shall outsource components,
2 outreach, and coordination of training and the training itself
3 to prevent duplication and ensure the most expeditious and
4 consistent delivery and minimize administrative costs to the
5 commission and the department. This section does not prohibit
6 any qualified entity from providing training on the Florida
7 Building Code.

8 (3) To the extent available, funding for outreach,
9 coordination of training, or training may come from existing
10 resources. If necessary, the Florida Building Commission or
11 the department may seek additional or supplemental funds
12 pursuant to s. 215.559(5). This section does not preclude the
13 Florida Building Commission from charging fees to fund the
14 building code training program in a self-sufficient manner as
15 provided in s. 553.841(5).

16 (4) This section is repealed June 30, 2003, unless
17 reenacted by the Legislature.

18 Section 30. Effective July 1, 2001, section 553.842,
19 Florida Statutes, is amended to read:

20 553.842 Product evaluation and approval.--

21 (1) The commission shall adopt rules under ss.
22 120.536(1) and 120.54 make recommendations to the President of
23 the Senate and the Speaker of the House of Representatives
24 prior to the 2001 Regular Session to develop and implement a
25 product evaluation and approval system that applies statewide
26 to operate in coordination with the Florida Building Code. The
27 commission may enter into contracts to provide for
28 administration of the product evaluation and approval system.

29 The product evaluation and approval system shall provide:

30 (a) Appropriate promotion of innovation and new
31 technologies.

1 (b) Processing submittals of products from
2 manufacturers in a timely manner.

3 (c) Independent, third-party qualified and accredited
4 testing and laboratory facilities, product evaluation
5 entities, quality-assurance agencies, certification agencies,
6 and validation entities.

7 (d) An easily accessible product acceptance list to
8 entities subject to the Florida Building Code.

9 (e) Development of stringent but reasonable testing
10 criteria based upon existing consensus standards, when
11 available, for products.

12 (f) Long-term approvals, where feasible. State and
13 local approvals will be valid until the requirements of the
14 code on which the approval is based change, the product
15 changes in a manner affecting its performance as required by
16 the code, or the approval is revoked.

17 (g) Criteria for ~~recall or~~ revocation of a product
18 approval.

19 (h) Cost-effectiveness.

20 (2) The product evaluation and approval system shall
21 rely on ~~regional,~~ national, and international consensus
22 standards, whenever adopted by the Florida Building Code, for
23 demonstrating compliance with code standards. Other standards
24 which meet or exceed established state requirements shall also
25 be considered.

26 (3) Products or methods or systems of construction
27 that require approval under s. 553.77, that have standardized
28 testing or comparative or rational analysis methods
29 established by the code, ~~required to be approved~~ and that are
30 certified by an approved product evaluation entity, testing
31 laboratory, or certification agency as complying with the

1 standards specified by the code shall be approved for local or
2 statewide use by one of the methods established in subsection
3 ~~(6) permitted to be used statewide, without further evaluation~~
4 ~~or approval.~~

5 (4) By October 1, 2003, products or methods or systems
6 of construction requiring approval under s. 553.77 must be
7 approved by one of the methods established in subsection (5)
8 or subsection (6) before their use in construction in this
9 state. Products may be approved either by the commission for
10 statewide use, or by a local building department for use in
11 that department's jurisdiction only. Notwithstanding a local
12 government's authority to amend the Florida Building Code as
13 provided in this act, statewide approval shall preclude local
14 jurisdictions from requiring further testing, evaluation, or
15 submission of other evidence as a condition of using the
16 product so long as the product is being used consistent with
17 the conditions of its approval.

18 (5) ~~Statewide and~~ Local approval of products or
19 methods or systems of construction may shall be achieved by
20 the local building official through building plans review and
21 inspection to determine that the product, method, or system of
22 construction complies with the prescriptive standards
23 established in the code. Alternatively, local approval may be
24 achieved by one of the methods established in subsection (6).

25 (6) Statewide or local approval of products, methods,
26 or systems of construction may be achieved by one of the
27 following methods. One of these methods must be used by local
28 officials or the commission to approve the following
29 categories of products: panel walls, exterior doors, roofing,
30 skylights, windows, shutters, and structural components as
31 established by the commission by rule.

1 (a) Products for which the code establishes
2 standardized testing or comparative or rational analysis
3 methods shall be approved by submittal and validation of one
4 of the following reports or listings indicating that the
5 product or method or system of construction was evaluated to
6 be in compliance with the Florida Building Code and that the
7 product or method or system of construction is, for the
8 purpose intended, at least equivalent to that required by the
9 Florida Building Code:

10 1. A certification mark or listing of an approved
11 certification agency;

12 2. A test report from an approved testing laboratory;

13 3. A product evaluation report based upon testing or
14 comparative or rational analysis, or a combination thereof,
15 from an approved product evaluation entity; or

16 4. A product evaluation report based upon testing or
17 comparative or rational analysis, or a combination thereof,
18 developed and signed and sealed by a professional engineer or
19 architect, licensed in this state.

20 (b) Products, methods, or systems of construction for
21 which there are no specific standardized testing or
22 comparative or rational analysis methods established in the
23 code may be approved by submittal and validation of one of the
24 following:

25 1. A product evaluation report based upon testing or
26 comparative or rational analysis, or a combination thereof,
27 from an approved product evaluation entity indicating that the
28 product or method or system of construction was evaluated to
29 be in compliance with the intent of the Florida Building Code
30 and that the product or method or system of construction is,
31

1 for the purpose intended, at least equivalent to that required
2 by the Florida Building Code; or

3 2. A product evaluation report based upon testing or
4 comparative or rational analysis, or a combination thereof,
5 developed and signed and sealed by a professional engineer or
6 architect, licensed in this state, who certifies that the
7 product or method or system of construction is, for the
8 purpose intended, at least equivalent to that required by the
9 Florida Building Code.

10 (7) The commission shall ensure that product
11 manufacturers operate quality-assurance programs for all
12 approved products. The commission shall adopt by rule criteria
13 for operation of the quality-assurance programs.

14 (8) For local approvals, validation shall be performed
15 by the local building official. The commission shall adopt by
16 rule criteria constituting complete validation by the local
17 official, including, but not limited to, criteria governing
18 verification of a quality-assurance program. For state
19 approvals, validation shall be performed by validation
20 entities approved by the commission. The commission shall
21 adopt by rule criteria for approval of validation entities,
22 which shall be third-party entities independent of the
23 product's manufacturer and which shall certify to the
24 commission the product's compliance with the code.

25 (9) The commission may adopt rules to approve the
26 following types of entities that produce information on which
27 product approvals are based. All of the following entities,
28 including engineers and architects, must comply with a
29 nationally recognized standard demonstrating independence or
30 no conflict of interest:

31

1 (a) Evaluation entities that meet the criteria for
2 approval adopted by the commission by rule. The commission
3 shall specifically approve the National Evaluation Service,
4 the International Conference of Building Officials Evaluation
5 Services, the Building Officials and Code Administrators
6 International Evaluation Services, the Southern Building Code
7 Congress International Evaluation Services, and the Miami-Dade
8 County Building Code Compliance Office Product Control.
9 Architects and engineers licensed in this state are also
10 approved to conduct product evaluations as provided in
11 subsection (6).

12 (b) Testing laboratories accredited by national
13 organizations, such as A2LA and the National Voluntary
14 Laboratory Accreditation Program, laboratories accredited by
15 evaluation entities approved under paragraph (a), and
16 laboratories that comply with other guidelines for testing
17 laboratories selected by the commission and adopted by rule.

18 (c) Quality-assurance entities approved by evaluation
19 entities approved under paragraph (a) and by certification
20 agencies approved under paragraph (d) and other
21 quality-assurance entities that comply with guidelines
22 selected by the commission and adopted by rule.

23 (d) Certification agencies accredited by nationally
24 recognized accreditors and other certification agencies that
25 comply with guidelines selected by the commission and adopted
26 by rule.

27 (e) Validation entities that comply with accreditation
28 standards established by the commission by rule.†

29 ~~(a) Submittal and validation of a product evaluation~~
30 ~~report from an approved product evaluation entity indicating~~
31 ~~the product or method or system of construction was tested to~~

1 ~~be in compliance with the Florida Building Code or with the~~
2 ~~intent of the Florida Building Code and the product or method~~
3 ~~or system of construction is, for the purpose intended, at~~
4 ~~least equivalent of that required by the Florida Building~~
5 ~~Code; or~~

6 ~~(b) Submittal and validation of a product evaluation~~
7 ~~report or rational analysis which is signed and sealed by a~~
8 ~~professional engineer or architect, licensed in this state,~~
9 ~~who has no conflict of interest, as determined by national~~
10 ~~guidelines, who certifies that the product or method or system~~
11 ~~of construction is, for the purpose intended, at least~~
12 ~~equivalent of that required by the Florida Building Code. Any~~
13 ~~product approved under this procedure shall be required to be~~
14 ~~manufactured under a quality assurance program, certified by~~
15 ~~an approved product evaluation entity.~~

16 ~~(10)(6)~~ A building official may deny the local
17 application of a product or method or system of construction
18 which has received statewide approval, based upon a written
19 report signed by the official that concludes the product
20 application is inconsistent with the statewide approval and
21 that states the reasons the application is inconsistent. Such
22 denial is subject to the provisions of s. 553.77 governing
23 appeal of the building official's interpretation of the code.

24 ~~(11)(7)~~ Products, other than manufactured buildings,
25 which are custom fabricated or assembled shall not require
26 separate approval under this section provided the component
27 parts have been approved for the fabricated or assembled
28 product's use and the components meet the standards and
29 requirements of the Florida Building Code which applies to the
30 product's intended use.

31

1 ~~(12)(8)~~ A building official may appeal the required
2 approval for local use of a product or method or system of
3 construction to the commission. The commission shall conduct a
4 hearing under chapter 120 and the uniform rules of procedure
5 and shall ~~establish expedited procedures to~~ handle such
6 appeals in an expedited manner.

7 ~~(13)(9)~~ The decisions of local building officials
8 shall be appealable to the local board of appeals, if such
9 board exists, and then to the commission, which shall conduct
10 a hearing under chapter 120 and the uniform rules of
11 procedure. Decisions of the commission regarding statewide
12 product approvals and appeals of local product approval shall
13 be subject to judicial review pursuant to s. 120.68.

14 ~~(14)(10)~~ The commission shall maintain a list of the
15 state-approved ~~approved~~ products, and product evaluation
16 entities, testing laboratories, quality-assurance agencies,
17 certification agencies, and validation entities and make such
18 lists list available in the most cost-effective manner. The
19 commission shall establish reasonable timeframes associated
20 with the product approval process and availability of the
21 lists list.

22 ~~(15)~~ The commission shall by rule establish criteria
23 for revocation of product approvals as well as revocation of
24 approvals of product evaluation entities, testing
25 laboratories, quality-assurance entities, certification
26 agencies, and validation entities. Revocation is governed by
27 s. 120.60 and the uniform rules of procedure.

28 ~~(16)~~ The commission shall establish a schedule for
29 adoption of the rules required in this section to ensure that
30 the product manufacturing industry has sufficient time to
31 revise products to meet the requirements for approval and

1 submit them for testing or evaluation before the system taking
2 effect on October 1, 2003, and to ensure that the availability
3 of statewide approval is not delayed.

4 ~~(11) The commission may establish reasonable and~~
5 ~~appropriate fees for the review of rational analyses and~~
6 ~~certification of manufactured buildings submitted pursuant to~~
7 ~~this section and may enter into any contracts the commission~~
8 ~~deems necessary in order to implement this section.~~

9 ~~(12) Products certified or approved for statewide or~~
10 ~~local use by an approved product evaluation entity prior to~~
11 ~~the effective date of this act shall be deemed to be approved~~
12 ~~for use in this state pursuant to this section and to comply~~
13 ~~with this section.~~

14
15 ~~For purposes of this section, an approved product evaluation~~
16 ~~entity is an entity that has been accredited by a nationally~~
17 ~~recognized independent evaluation authority or entity~~
18 ~~otherwise approved by the commission.~~

19 Section 31. Effective July 1, 2001, subsection (2) of
20 section 553.895, Florida Statutes, is amended to read:

21 553.895 Firesafety.--

22 (2) Except for single-family and two-family dwellings,
23 any building which is of three stories or more and for which
24 the construction contract is let after January 1, 1994,
25 regardless of occupancy classification and including any
26 building which is subject to s. 509.215, shall be equipped
27 with an automatic sprinkler system installed in compliance
28 with the provisions of chapter 633 and the rules and codes
29 adopted pursuant thereto. A stand-alone parking garage
30 constructed with noncombustible materials, the design of which
31 is such that all levels of the garage are uniformly open to

1 the atmosphere on all sides with percentages of openings as
2 prescribed in the applicable building code, and which parking
3 garage is separated from other structures by at least 20 feet,
4 is exempt from the requirements of this subsection.
5 Telecommunications spaces located within telecommunications
6 buildings, if the spaces are equipped to meet an equivalent
7 fire-prevention standard approved by both the Florida Building
8 Commission and the State Fire Marshal, are exempt from the
9 requirements of this subsection. In a building less than 75
10 feet in height which is protected throughout with an approved
11 and maintained fire sprinkler system, a manual wet standpipe,
12 as defined in the National Fire Protection Association
13 Standard 14, Standard for the Installation of Standpipe,
14 Private Hydrant, and Hose Systems, shall be allowed.

15 Section 32. Effective upon this act becoming a law,
16 the Florida Building Commission shall research the issue of
17 adopting a rehabilitation code for the state and shall report
18 to the Legislature before the 2002 Regular Session regarding
19 the feasibility of adopting such a code. The commission shall
20 review the rehabilitation codes adopted by other states as
21 part of its research.

22 Section 33. Effective upon this act becoming a law,
23 the Florida Building Commission shall research the issue of
24 requiring all primary elevators in buildings with more than
25 five levels to operate with a universal key, thereby allowing
26 access and operation by emergency personnel. The commission
27 must report its recommendations to the Legislature before the
28 2002 Regular Session.

29 Section 34. Notwithstanding any other provision in
30 chapter 2000-141, Laws of Florida, effective upon this act
31 becoming a law, the effective date of the following sections

1 of chapter 2000-141, Laws of Florida, is changed to January 1,
2 2002: sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15,
3 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, 36,
4 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70, 71, 72,
5 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, 94, and 99.

6 Section 35. Notwithstanding any other provision in
7 chapter 2000-141, Laws of Florida, effective upon this act
8 becoming a law, the effective date of the following sections
9 of chapter 98-287, Laws of Florida, as amended by chapter
10 2000-141, Laws of Florida, is changed to January 1, 2002:
11 sections 1, 2, 4, 5, 7, 9, 13, 14, 15, 16, 17, 18, 21, 24, 29,
12 31, 32, 34, 36, 38, 40, 44, 46, 47, 49, 51, and 56.

13 Section 36. Notwithstanding any other provision in
14 chapter 2000-141, Laws of Florida, effective upon this act
15 becoming a law, the effective date of section 61 of chapter
16 98-419, Laws of Florida, as amended by chapter 2000-141, Laws
17 of Florida, is changed to January 1, 2002.

18 Section 37. Effective upon this act becoming a law,
19 section 135 of chapter 2000-141, Laws of Florida, is amended
20 to read:

21 Section 135. Effective January 1, 2002 ~~July 1, 2001~~,
22 subsection (2) of section 255.21, Florida Statutes, paragraphs
23 (d) and (e) of subsection (1) of section 395.1055, Florida
24 Statutes, and subsection (11) of section 553.79, Florida
25 Statutes, are repealed.

26 Section 38. Effective upon this act becoming a law,
27 subsection (2) of section 62 of chapter 98-287, Laws of
28 Florida, as amended by section 107 of chapter 2000-141, Laws
29 of Florida, is amended to read:

30 Section 62.

31

1 (2) Effective January 1, 2002 ~~July 1, 2001~~, all
2 existing local technical amendments to any building code
3 adopted by any local government, except for local ordinances
4 setting forth administrative requirements which are not in
5 conflict with the Florida Building Code, are repealed. Each
6 local government may readopt such amendments pursuant to s.
7 553.73, Florida Statutes, provided such amendments comply with
8 applicable provisions of the Florida Building Code.

9 Section 39. Effective upon this act becoming a law,
10 section 68 of chapter 98-287, Laws of Florida, as amended by
11 section 108 of chapter 2000-141, Laws of Florida, is amended
12 to read:

13 Section 68. Effective January 1, 2002 ~~July 1, 2001~~,
14 parts I, II, and III of chapter 553, Florida Statutes,
15 consisting of sections 553.01, 553.02, 553.03, 553.04,
16 553.041, 553.05, 553.06, 553.07, 553.08, 553.10, 553.11,
17 553.14, 553.15, 553.16, 553.17, 553.18, 553.20, 553.21,
18 553.22, 553.23, 553.24, 553.25, 553.26, 553.27, and 553.28,
19 Florida Statutes, are repealed, section 553.141, Florida
20 Statutes, is transferred and renumbered as section 553.86,
21 Florida Statutes.

22 Section 40. Effective upon this act becoming a law,
23 funds that are available under sections 489.109(3) and
24 489.509(3), Florida Statutes, shall be allocated and expended
25 by the Florida Building Commission as provided in this
26 section.

27 (1) Effective upon this act becoming a law, the
28 Florida Building Commission shall appoint those members of the
29 Building Construction Industry Advisory Committee on October
30 1, 2001, as established by Rule 6A-10.029, Florida
31 Administrative Code, to the Education Technical Advisory

1 Committee of the Florida Building Commission to complete their
2 terms of office. Members of the Florida Building Commission
3 shall also be appointed to the Education Technical Advisory
4 Committee. The members of the committee shall broadly
5 represent the building construction industry and must consist
6 of no fewer than 10 persons. The chairperson of the Florida
7 Building Commission shall annually designate the chairperson
8 of the committee. The terms of the committee members shall be
9 2 years each and members may be reappointed at the discretion
10 of the Florida Building Commission.

11 (2) The Educational Technical Advisory Committee
12 shall:

13 (a) Advise the commission on any policies or
14 procedures needed to administer sections 489.109(3) and
15 489.509(3), Florida Statutes.

16 (b) Advise the commission on administering section
17 553.841, Florida Statutes.

18 (c) Advise the commission on areas of priority for
19 which funds should be expended for research and continuing
20 education.

21 (d) Review all proposed research and continuing
22 education projects and recommend to the commission those
23 projects that should be funded and the amount of funds to be
24 provided for each project.

25 (3) Each biennium, upon receipt of funds by the
26 Department of Community Affairs from the Construction Industry
27 Licensing Board and the Electrical Contractors' Licensing
28 Board provided under sections 489.109(3) and 489.509(3),
29 Florida Statutes, the commission shall determine the amount of
30 funds available for research projects from the proceeds of
31 contractor licensing fees and identify, solicit, and accept

1 funds from other sources for research and continuing education
2 projects.

3 (4) If funds collected for research projects in any
4 year do not require the use of all available funds, the unused
5 funds shall be carried forward and allocated for use during
6 the following fiscal year.

7 Section 41. Effective upon this act becoming a law,
8 the Building Construction Permitting and Inspection Task Force
9 is hereby created to recommend a procedure by which the public
10 could elect to engage an engineer or architect to perform
11 plans review and inspection for the construction, alteration,
12 repair, or improvement of real property, and the appropriate
13 role of the local building official in such an alternative
14 plans review and inspection procedure and in the resulting
15 issuance of a building permit and certificate of occupancy.

16 (1) The task force shall be composed of 11 members,
17 appointed as follows:

18 (a) The Building Officials Association of Florida
19 shall appoint four members;

20 (b) The Associated General Contractors of Florida
21 shall appoint one member;

22 (c) The Florida Home Builders Association shall
23 appoint one member;

24 (d) The Florida Engineering Society shall appoint one
25 member;

26 (e) The Florida Association of the American Institute
27 of Architects shall appoint one member;

28 (f) The Florida Building Commission shall appoint two
29 members, one member to be a building official or inspector,
30 and one to be a contractor, architect, or engineer.

31

1 (g) The Florida Insurance Council shall appoint one
2 member.

3 (2) The task force shall meet at least four times
4 prior to January 1, 2002. Members may participate in any
5 meeting via telephone conference. Members shall serve on a
6 voluntary basis, without compensation and without
7 reimbursement for per diem and travel expenses.

8 (3) The task force shall examine the various processes
9 used by local building officials throughout the state in
10 conducting plans review for the construction, alteration,
11 repair, or improvement of real property, and approving
12 building permit applications, as well as those processes used
13 by local building officials in conducting required inspections
14 for construction, alteration, repair, or improvement of real
15 property, and issuing certificates of occupancy. The task
16 force shall make recommendations on the following:

17 (a) A procedure by which the public could elect to
18 engage an engineer or architect to perform plans review and
19 inspection for the construction, alteration, repair, or
20 improvement of real property; and

21 (b) The appropriate role of the local building
22 official in such an alternative plans review and inspection
23 procedure and in the resulting issuance of a building permit
24 and certificate of occupancy.

25 (4) The task force shall submit to the Governor, the
26 President of the Senate, and the Speaker of the House of
27 Representatives, by January 1, 2002, a report presenting the
28 task force's recommendations and findings.

29 (5) The Florida Building Commission shall provide
30 logistical and staff support for the task force.

31

1 Section 42. Subsection (1) of section 627.0629,
2 Florida Statutes, as amended by section 99 of chapter
3 2000-141, Laws of Florida, is amended to read:

4 627.0629 Residential property insurance; rate
5 filings.--

6 (1) A rate filing for residential property insurance
7 must include actuarially reasonable discounts, credits, or
8 other rate differentials, or appropriate reductions in
9 deductibles, for properties on which fixtures or construction
10 techniques demonstrated to reduce the amount of loss in a
11 windstorm have been installed or implemented. The fixtures or
12 construction techniques shall include, but not be limited to,
13 fixtures or construction techniques which enhance roof
14 strength, roof covering performance, roof-to-wall strength,
15 wall-to-floor-to-foundation strength, opening protection, and
16 window, door, and skylight strength. Credits, discounts, or
17 other rate differentials for fixtures and construction
18 techniques which meet the minimum requirements of the Florida
19 Building Code must be included in the rate filing. All
20 insurance companies must make a rate filing which includes the
21 credits, discounts, or other rate differentials by December 31
22 ~~June 1~~, 2002.

23 Section 43. Effective upon this act becoming a law,
24 paragraph (c) of subsection (3) of section 633.0215, Florida
25 Statutes, is amended to read:

26 633.0215 Florida Fire Prevention Code.--

27 (3) No later than 180 days before the triennial
28 adoption of the Florida Fire Prevention Code, the State Fire
29 Marshal shall notify each municipal, county, and special
30 district fire department of the triennial code adoption and
31 steps necessary for local amendments to be included within the

1 code. No later than 120 days before the triennial adoption of
2 the Florida Fire Prevention Code, each local jurisdiction
3 shall provide the State Fire Marshal with copies of its local
4 fire code amendments. The State Fire Marshal has the option to
5 process local fire code amendments that are received less than
6 120 days before the adoption date of the Florida Fire
7 Prevention Code.

8 (c) Notwithstanding other state or local building and
9 construction code laws to the contrary, locally adopted fire
10 code requirements that were in existence on the effective date
11 of this section shall be deemed local variations of the
12 Florida Fire Prevention Code until the State Fire Marshal
13 takes action to adopt as a statewide firesafety code
14 requirement or rescind such requirements as provided herein,
15 and such action shall take place no later than January 1, 2002
16 ~~July 1, 2001~~.

17 Section 44. Effective upon this act becoming a law,
18 the Florida Building Commission shall research and evaluate
19 the types of specific needs for the state and its localities
20 which are appropriate to justify amendments to the adopted
21 Florida Building Code, as referenced in section 553.73(3),
22 Florida Statutes, and shall make recommendations regarding
23 legislative clarification of this issue to the Legislature
24 prior to the 2002 Regular Session. The commission shall
25 consider needs relating to the state's geographic, climatic,
26 soil, topographic, fire, and other conditions as part of its
27 evaluation. The commission shall adopt no amendments to the
28 Florida Building Code until after July 1, 2002, except for the
29 following: emergency amendments, amendments clarifying
30 construction regulations for state agencies, amendments that
31 eliminate conflicts with state law or implement new

1 authorities granted by law, and amendments to implement
2 settlement agreements executed prior to March 1, 2002.

3 Section 45. Effective July 1, 2001, the sum of
4 \$250,000 is appropriated from the General Revenue Fund to
5 Florida Community College at Jacksonville for the operations
6 of the Institute of Applied Technology in Construction
7 Excellence.

8 Section 46. Effective July 1, 2001, the sum of
9 \$250,000 is appropriated from the General Revenue Fund to
10 Miami-Dade Community College for the purpose of implementing
11 the building code training program for inspectors,
12 contractors, architects, and engineers.

13 Section 47. Except as otherwise expressly provided in
14 this act, this act shall take effect January 1, 2002.

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