

By the Committee on Comprehensive Planning, Local and Military Affairs; and Senator Constantine

316-2200-02

1 A bill to be entitled
2 An act relating to buildings; requiring the
3 Florida Building Commission to develop building
4 code provisions to facilitate the
5 rehabilitation and use of existing structures;
6 requiring the commission to identify
7 legislative changes required to implement code
8 provisions; requiring a report to the
9 Legislature; amending s. 399.01, F.S.;
10 requiring that elevator service maintenance
11 contracts be made available to the Department
12 of Business and Professional Regulation upon
13 request for oversight purposes; revising
14 qualifications for an elevator certificate of
15 competency; amending s. 399.02, F.S.; providing
16 that each elevator owner is responsible for
17 inspections; eliminating a requirement that the
18 department review service maintenance contracts
19 and determine whether they ensure safe
20 operation; amending s. 399.03, F.S.; providing
21 additional requirements for issuance of
22 elevator permits; providing requirements for
23 original inspection reports; providing for
24 temporary operation inspections; amending s.
25 399.049, F.S.; revising grounds for suspension
26 or revocation of certification or registration;
27 amending s. 399.061, F.S.; eliminating an
28 exception to an annual inspection requirement;
29 revising reporting requirements; amending s.
30 399.07, F.S.; extending the period of validity
31 of certificate of operation from 1 to 2 years;

1 eliminating a fee and provisions for deposit of
2 fees; amending s. 399.105, F.S.; eliminating a
3 restriction on issuance of a fine; amending s.
4 399.106, F.S.; conforming a reference to a
5 committee; amending s. 399.125, F.S.;
6 eliminating a reporting requirement; amending
7 s. 399.13, F.S.; amending s. 468.603, F.S.;
8 defining and redefining terms applicable to
9 building code administrators and inspectors;
10 amending s. 468.604, F.S.; prescribing
11 responsibilities of public educational building
12 code enforcement officials; amending s.
13 468.605, F.S.; providing for an educational
14 building code administrator member of the
15 Florida Building Code Administrators and
16 Inspectors Board; amending s. 468.609, F.S.;
17 providing qualifications for examination as a
18 public building code inspector, public
19 educational plans examiner, and public
20 educational building code administrator;
21 providing for issuance of provisional
22 certificates; amending s. 468.613, F.S.;
23 providing for coordination of programs of the
24 Department of Education; amending s. 468.627,
25 F.S.; exempting certain employees of
26 educational boards from payment of application
27 or examination fees; allowing local government
28 that assumes elevator inspection duties to hire
29 private inspectors to conduct inspections;
30 amending s. 509.072, F.S.; requiring the
31 Department of Business and Professional

1 Regulation to separately account for the funds
2 collected for the inspection of elevators in
3 the Hotel and Restaurant Trust Fund; amending
4 s. 553.73, F.S.; revising provisions governing
5 local government amendments to the technical
6 provisions of the Florida Building Code;
7 amending s. 553.74, F.S.; revising eligibility
8 for membership on the Florida Building
9 Commission; amending s. 604.50, F.S.;
10 redefining the term "nonresidential farm
11 building" for purposes of an exemption from the
12 Florida Building Code; providing effective
13 dates.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. (1) The Legislature directs the Florida
18 Building Commission to develop building code provisions that
19 may be added to the Florida Building Code to facilitate the
20 rehabilitation and use of existing structures. The commission
21 shall select from available national or international model
22 codes or the codes or code provisions adopted by another state
23 to form the foundation for the code provisions required by
24 this section.

25 (2) The commission shall seek consensus with
26 firesafety professionals, advocates for persons with
27 disabilities, representatives of the construction industry,
28 land-use planners, building officials, and others identified
29 by the commission as having an interest in building code
30 provisions. The commission may modify the selected model codes
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1 and standards as needed to accommodate the specific needs of
2 this state.

3 (3) In conjunction with its code development
4 activities, the commission shall identify legislative changes
5 required to implement the code provisions developed pursuant
6 to subsections (1) and (2).

7 (4) The commission shall report the activities
8 undertaken in response to the requirements of this section to
9 the Legislature on or before January 1, 2003, as a part of the
10 annual report required by section 553.77(1)(b), Florida
11 Statutes. Recommended code provisions and the legislative
12 changes required for implementation shall be attached as
13 appendices to the annual report.

14 Section 2. Section 399.01, Florida Statutes, is
15 amended to read:

16 399.01 Definitions.--As used in this chapter, the
17 term:

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

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

25 (2)(3) "Certificate of operation" means a document
26 issued by the department which indicates that the conveyance
27 has had the required safety inspection and tests and that fees
28 have been paid as provided in this chapter.

29 (3)(4) "Conveyance" means an elevator, dumbwaiter,
30 escalator, moving sidewalk, platform lift, and stairway
31 chairlift.

1 (4)~~(5)~~ "Department" means the Department of Business
2 and Professional Regulation.

3 (5)~~(6)~~ "Division" means the Division of Hotels and
4 Restaurants of the Department of Business and Professional
5 Regulation.

6 (6)~~(7)~~ "Elevator" means one of the following
7 mechanical devices:

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

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

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

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

20 (e) An inclined stairway chairlift, which is a device
21 used to transport physically handicapped persons over
22 architectural barriers.

23 (f) An inclined or vertical wheelchair lift, which is
24 a device used to transport wheelchair handicapped persons over
25 architectural barriers.

26 ~~(8) "Escalator" means an installation defined as an~~
27 ~~escalator in the Florida Building Code.~~

28 (7)~~(9)~~ "Existing installation" means an installation
29 defined as an "installation, existing" in the Florida Building
30 Code.

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1 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"
2 means the committee appointed by the secretary of the
3 Department of Business and Professional Regulation.

4 (9)~~(11)~~ "Private residence" means a separate dwelling
5 or a separate apartment in a multiple dwelling which is
6 occupied by members of a single-family unit.

7 (10)~~(12)~~ "Service maintenance contract" means a
8 contract that provides for routine examination, lubrication,
9 cleaning, adjustment, replacement of parts, and performance of
10 applicable code-required safety tests such as on a traction
11 elevator and annual relief pressure test on a hydraulic
12 elevator and any other service, repair, and maintenance
13 sufficient to ensure the safe operation of the elevator and
14 that is made available upon request of the department for
15 purposes of oversight and monitoring.

16 (11)~~(13)~~ "Temporarily dormant conveyance" means a
17 conveyance whose power supply has been disconnected by
18 removing fuses and placing a padlock on the mainline
19 disconnect switch in the "OFF" position. The car is parked,
20 and the hoistway doors are in the closed and latched position.
21 A wire seal is installed on the mainline disconnect switch by
22 a certified ~~certificate of competency~~ elevator inspector. This
23 conveyance installation may not be used again until it has
24 been put in safe running order and is in condition for use.
25 Annual inspections shall continue for the duration of the
26 temporarily dormant status by a certified ~~certificate of~~
27 ~~competency~~ elevator inspector. The temporarily dormant status
28 is renewable on an annual basis and may not exceed a 5-year
29 period. The inspector shall file a report with the department
30 ~~chief elevator inspector~~ describing the current conditions.

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1 The wire seal and padlock may not be removed for any purpose
2 without permission from the department ~~elevator inspector~~.

3 (12)~~(14)~~ "Temporary operation inspection permit" means
4 an inspection performed by a certified elevator inspector, the
5 successful passage of a document issued by the department
6 which permits the temporary use of a noncompliant vertical
7 conveyance as provided by rule.

8 (13)~~(15)~~ "Registered elevator company" means an entity
9 registered with and authorized by the division employing
10 persons to construct, install, inspect, maintain, or repair
11 any vertical conveyance. Each registered elevator company must
12 annually register with the division and maintain general
13 liability insurance coverage in the minimum amounts set by
14 rule ~~the division~~.

15 (14)~~(16)~~ "Certified elevator inspector" is a natural
16 person registered with and authorized by the division to
17 construct, install, inspect, maintain, or repair any vertical
18 conveyance, after having properly acquired the qualified
19 elevator inspector credential as prescribed by the American
20 Society of Mechanical Engineers. Each certified elevator
21 inspector must annually register with the division and provide
22 ~~from the National Association of Elevator Safety Authorities.~~
23 ~~Such person shall remain so authorized by the division only~~
24 ~~upon providing annual proof of completion of 8 hours of~~
25 ~~continuing education, proof that and the qualified elevator~~
26 ~~inspector credential remains in good standing, and proof of~~
27 ~~general liability insurance coverage in the minimum amounts~~
28 ~~set by the division with the National Association of Elevator~~
29 ~~Safety Authorities. A licensed mechanical engineer whose~~
30 ~~license is in good standing may be authorized as a certified~~
31 ~~elevator inspector by the division. Each certified elevator~~

1 ~~inspector must annually register with the division and~~
2 ~~maintain general liability insurance coverage in the minimum~~
3 ~~amounts set by the division.~~

4 (15)~~(17)~~ "Certified elevator technician" means a
5 natural person authorized by the division to construct,
6 install, maintain, or repair any vertical conveyance, after
7 having been issued an elevator certificate of competency by
8 the division. Each certified elevator technician must annually
9 register with the division and be covered by ~~maintain~~ general
10 liability insurance coverage in the minimum amounts set by the
11 division.

12 (16)~~(18)~~ "Elevator helper" means a natural person
13 performing work under the direct supervision of an elevator
14 certificate-of-competency holder ~~a certified elevator~~
15 ~~inspector or an elevator technician~~ to construct, install,
16 maintain, or repair any vertical conveyance.

17 (17)~~(19)~~ "Elevator certificate of competency" means a
18 credential issued by the division to any individual natural
19 person successfully completing an examination as prescribed by
20 rule and paying a nonrefundable fee of \$50. Such credential
21 shall be valid for and expire at the end of 1 year, and may be
22 renewed by the division when the division receives proof of
23 the elevator certificate of competency holder's completion of
24 8 hours of continuing education from a provider approved by
25 the department and a nonrefundable renewal fee of \$50. The
26 department shall adopt by rule criteria for providing approval
27 and procedures for continuing education reporting. An elevator
28 certificate of competency may be issued only if the applicant
29 meets the following requirements:

30 (a) Four years' work experience in the construction,
31 maintenance, service, and repair of conveyances covered by

1 this chapter. This experience shall be verified by current or
2 previously registered elevator companies as required by the
3 division.

4 (b) One of the following:

5 1. Proof of completion and successful passage of a
6 written examination administered by the division or a provider
7 approved by the division under standards it adopted by rule.

8 2. Proof of completion of an apprenticeship program
9 for elevator mechanics which has standards substantially
10 equivalent to those found in a national training program for
11 elevator mechanics and is registered with the Bureau of
12 Apprenticeship and Training of the United States Department of
13 Labor or a state apprenticeship authority.

14 3. Proof of licensure or certification by a state or
15 local jurisdiction in the United States having standards
16 substantially equal to or more stringent than those of this
17 chapter.

18
19 A licensed mechanical engineer whose license is in good
20 standing may be granted an elevator certificate of competency.

21 (18) All other building transportation terms are
22 defined in the current Florida Building Code.

23 Section 3. Subsections (1) and (5) of section 399.02,
24 Florida Statutes, as amended by section 3 of chapter 2001-372,
25 Laws of Florida, are amended to read:

26 399.02 General requirements.--

27 (1) The Elevator Safety Technical Advisory Committee
28 shall develop and submit to the Director of Hotels and
29 Restaurants proposed ~~regarding~~ revisions to the elevator
30 safety code so that it is the same as or similar to the latest
31 edition ~~versions~~ of ASME A17.1, ASME A17.3, and ASME A18.1.

1 (5)(a) The construction permitholder is responsible
2 for the correction of violations and deficiencies until the
3 elevator has been inspected and a certificate of operation has
4 been issued by the department. The construction permitholder
5 is responsible for all tests of new and altered equipment
6 until the elevator has been inspected and a certificate of
7 operation has been issued by the department.

8 (b) The elevator owner is responsible for the safe
9 operation and proper maintenance, and inspection and
10 correction of code deficiencies of the elevator after ~~it has~~
11 ~~been inspected and~~ a certificate of operation has been issued
12 by the department. The responsibilities of the elevator owner
13 may be assigned by lease.

14 ~~(c) The elevator owner shall report to the department~~
15 ~~60 days before the expiration of the certificate of operation~~
16 ~~whether there exists a service maintenance contract, with whom~~
17 ~~the contract exists, and the details concerning the provisions~~
18 ~~and implementation of the contract which the department~~
19 ~~requires. The department shall keep the names of companies~~
20 ~~with whom the contract exists confidential pursuant to the~~
21 ~~public records exemption provided in s. 119.14(4)(b)3. This~~
22 ~~annual contract report must be made on forms supplied by the~~
23 ~~department. The elevator owner must report any material~~
24 ~~change in the service maintenance contract no fewer than 30~~
25 ~~days before the effective date of the change. The department~~
26 ~~shall determine whether the provisions of the service~~
27 ~~maintenance contract and its implementation ensure the safe~~
28 ~~operation of the elevator.~~

29 Section 4. Section 399.03, Florida Statutes, as
30 amended by section 3 of chapter 2001-372, Laws of Florida, is
31 amended to read:

1 399.03 Design, installation, and alteration of
2 conveyances.--

3 (1) A conveyance covered by this chapter may not be
4 erected, constructed, installed, or altered within buildings
5 or structures until ~~unless~~ a permit has been obtained from the
6 department ~~before the work is commenced.~~ Permits must be
7 applied for by a registered elevator company, and may only be
8 granted upon receipt and approval of an application to be made
9 on a form prescribed by the department, accompanied by all of
10 the following: proper fees; plans that have been sealed by an
11 architect or engineer whose license is in good standing; and a
12 statement from the architect or engineer attesting that the
13 plans meet all applicable elevator safety and building codes.
14 Permits may be granted only to registered elevator companies
15 in good standing.When any material alteration is made, the
16 alteration ~~device~~ must conform to applicable requirements of
17 the Florida Building Code and the provisions of this chapter
18 ~~for the alteration.~~ ~~A permit required hereunder may not be~~
19 ~~issued except to a person, firm, or corporation holding a~~
20 ~~current elevator contractor's license issued under this~~
21 ~~chapter.~~A copy of the permit and plans must be kept at the
22 construction site at all times while the work is in progress
23 and until a certificate of operation is issued.

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 registered elevator company. ~~person to whom a license to~~
21 ~~install or service a conveyance has been issued. Subsequent to~~
22 ~~installation, the licensed person, firm, or company must~~
23 ~~certify compliance with the applicable sections of this~~
24 ~~chapter and the Florida Building Code. Before any vertical~~
25 conveyance is used, except those in a private residence, it
26 must be inspected by a certified elevator ~~licensed~~ inspector
27 not employed or associated or having a conflict of interest
28 with the elevator construction permitholder or elevator owner
29 and certified as meeting the safety provisions of the Florida
30 Building Code, including the performance of all required
31 safety tests. The certified elevator inspector shall provide

1 the original copy of the inspection report to the department
2 within 5 days after the inspection. A certificate of operation
3 may not be issued until the permitholder provides an affidavit
4 signed by the construction supervisor attesting that the
5 supervisor directly supervised the construction or
6 installation of the elevator.~~Upon successful inspection, the~~
7 ~~owner or lessee must apply to the department for a certificate~~
8 ~~of operation from the department. A fee as prescribed in this~~
9 ~~chapter must be paid for the certificate of operation. It is~~
10 ~~the responsibility of the licensed elevator construction~~
11 ~~permitholder to complete and submit a first-time registration~~
12 ~~for a new installation.~~Vertical conveyances, including
13 stairway chairlifts, and inclined or vertical wheelchair lifts
14 located in private residences are not required to obtain a
15 certificate of operation under this chapter.

16 ~~(6) A certificate of operation expires July 31 of each~~
17 ~~year and must be renewed prior to continued use of the~~
18 ~~conveyance. A certificate of operation must be clearly~~
19 ~~displayed on or in each conveyance or in the machine room for~~
20 ~~use by and for the benefit of inspectors and code enforcement~~
21 ~~personnel. Certificates of operation may only be renewed for~~
22 ~~vertical conveyances having a current satisfactory inspection.~~

23 (6)(7) At the department's request, and to facilitate
24 oversight and monitoring,the permitholder shall notify the
25 department of the scheduled final inspection date and time for
26 purposes of acquiring a certificate of inspection,~~in writing,~~
27 ~~at least 7 days before completion of the work and shall, in~~
28 ~~the presence of a licensed elevator inspector not associated~~
29 ~~with or employed by the installing company or contractor,~~
30 ~~subject the newly installed, relocated, or altered portions of~~
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1 ~~the elevator to tests required to show that the elevator meets~~
2 ~~the applicable provisions of the Florida Building Code.~~

3 ~~(7)(8)~~ Each elevator shall comply with the edition of
4 the Florida Building Code or Elevator Safety Code that was in
5 effect at the time of receipt of application for the
6 construction permit for the elevator.

7 ~~(8)(9)~~ Each alteration to, or relocation of, an
8 elevator shall comply with the edition of the Florida Building
9 Code or Elevator Safety Code that was in effect at the time of
10 receipt of the application for the construction permit for the
11 alteration or relocation.

12 ~~(9)(10)~~ When any change is made in the classification
13 of an elevator, the elevator shall comply with all of the
14 requirements of the version of the Florida Building Code or
15 Elevator Safety Code that were in effect at the time of
16 receipt of the application for the construction permit for the
17 change in classification.

18 ~~(10)(a)~~ The temporary use of an elevator during
19 installation or alteration is authorized for a period of 30
20 days from the completion of a satisfactory temporary operation
21 inspection. An additional 30-day period of temporary use is
22 authorized from the date of completion of each additional
23 satisfactory temporary operation inspection. A satisfactory
24 temporary operation inspection must satisfy the following
25 criteria: the elevator is tested under contract load; the
26 hoistway is fully enclosed; the hoistway doors and interlocks
27 are installed; the car is completely enclosed, including door
28 or gate and top; all electrical safety devices are installed
29 and properly functioning; and terminal stopping equipment is
30 in place for a safe runby and proper clearance. When a car is
31 provided with a temporary enclosure, the operating means must

1 be by constant pressure push-button or lever-type switch. The
2 car may not exceed the minimum safe operating speed of the
3 elevator, and the governor tripping speed must be set in
4 accordance with the operating speed of the elevator.

5 (b) Temporary use is authorized only when a
6 satisfactory temporary operation inspection report, completed
7 within the last 30 days, and a notice prescribed by the
8 department, bearing a statement that the elevator has not been
9 finally approved by a certified elevator inspector, are
10 conspicuously posted in the elevator.

11 Section 5. Section 399.049, Florida Statutes, is
12 amended to read:

13 399.049 Certificate of competency.--

14 (1) SUSPENSION OR REVOCATION OF CERTIFICATION OR
15 REGISTRATION UNDER THIS CHAPTER ~~LICENSE OR CERTIFICATE OF~~
16 ~~COMPETENCY.~~--The department may suspend or revoke an elevator
17 inspector certification, an elevator company registration, an
18 elevator a license or certificate of competency, or an
19 elevator certificate of operation issued under this chapter or
20 impose an administrative penalty of up to \$1,000 per violation
21 upon any registered elevator company licensee or
22 certificateholder who commits any one or more of the following
23 violations:

24 (a) Any false statement as to a material matter in an
25 the application for licensure, permit, or certificate of
26 operation.

27 (b) Fraud, misrepresentation, or bribery in the
28 practice of the profession ~~securing a license or certificate~~
29 ~~of competency.~~

30 (c) Failure by a certified elevator inspector to
31 provide to notify the department and the certificate of

1 operation holder with a copy of the inspection report within 5
2 days of the date of any inspection performed after the initial
3 certificate of operation is issued ~~of a conveyance covered by~~
4 ~~this chapter that is not in compliance with the provisions of~~
5 ~~the elevator safety code incorporated into the Florida~~
6 ~~Building Code.~~

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

8 (2) DISCIPLINARY ACTION.--Any disciplinary action
9 taken under this chapter must comply with chapter 120 and any
10 rules adopted thereunder.

11 Section 6. Section 399.061, Florida Statutes, is
12 amended to read:

13 399.061 Inspections; service maintenance contracts;
14 correction of deficiencies.--

15 (1)(a) All elevators or other conveyances subject to
16 this chapter must be annually inspected by a certified
17 elevator inspector ~~through a third-party inspection service,~~
18 or by a municipality or county under contract with the
19 division, pursuant to s. 399.13. ~~If the elevator or other~~
20 ~~conveyance is maintained pursuant to a service maintenance~~
21 ~~contract continuously in force, it shall be inspected at least~~
22 ~~once every 2 years by a certified elevator inspector who is~~
23 ~~not employed by or otherwise associated with the maintenance~~
24 ~~company; however, if the elevator is not an escalator or a~~
25 ~~dumbwaiter, serves only two adjacent floors, and is covered by~~
26 ~~a service maintenance contract, an inspection is not required~~
27 ~~so long as the service contract remains in effect. A statement~~
28 ~~verifying the existence, performance, and cancellation of each~~
29 ~~service maintenance contract must be filed annually with the~~
30 ~~division as prescribed by rule.~~

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1 (b) A statement verifying the existence and
2 performance of each service maintenance contract must be filed
3 at least annually with the division, and as prescribed by
4 rule. Cancellation of a service maintenance contract must be
5 reported to the division as prescribed in rule.~~The division~~
6 ~~may inspect an elevator whenever necessary to ensure its safe~~
7 ~~operation or when a third-party inspection service is not~~
8 ~~available for a routine inspection.~~

9 (2) The division may inspect an elevator whenever
10 necessary to ensure its safe operation.The division may
11 employ state elevator inspectors to conduct any the
12 inspections ~~as~~ required by this chapter ~~subsection (1)~~and may
13 charge a ~~an~~ inspection fee for each inspection in an amount
14 sufficient to cover the costs of that inspection, as provided
15 by rule, when a private certified elevator inspector is not
16 available. Each state elevator inspector shall be properly
17 qualified as a certified elevator inspector ~~hold a certificate~~
18 ~~of competency issued by the division.~~

19 (3) Whenever the division determines from the results
20 of any inspection that, in the interest of the public safety,
21 an elevator is in an unsafe condition, the division may seal
22 the elevator or order the discontinuance of the use of the
23 elevator until the division determines by inspection that such
24 elevator has been satisfactorily repaired or replaced so that
25 the elevator may be operated in a safe manner.

26 (4) When the division determines that an elevator is
27 in violation of this chapter or the Florida Building Code, the
28 division may issue an order to the elevator owner requiring
29 correction of the violation and reinspection of the elevator
30 evidencing the correction.

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1 Section 7. Section 399.07, Florida Statutes, is
2 amended to read:

3 399.07 Certificates of operation; ~~temporary operation~~
4 ~~permits; fees.--~~

5 ~~(1)(a) A certificate of operation may not be issued~~
6 ~~until the elevator company supervisor signs an affidavit~~
7 ~~stating that the elevator company supervisor directly~~
8 ~~supervised construction or installation of the elevator.~~

9 (1)(b) The certificate of operation is valid for a
10 period not to exceed 2 years and shall expire at the end of
11 the period of 1 year unless sooner suspended or revoked. The
12 department may adopt rules establishing a procedure for
13 certificate renewal. Certificates of operation may be renewed
14 only for vertical conveyances having a current satisfactory
15 inspection. The owner of an elevator operating with an expired
16 certificate of operation is in violation of this chapter.
17 Certificate of operation renewal applications received by the
18 department after the date of expiration of the last current
19 certificate must be accompanied by a late fee of \$50 in
20 addition to the annual renewal fee and any other fees required
21 by law. The department shall adopt by rule a fee schedule for
22 the renewal of certificates of operation. The fees must be
23 deposited into the Hotel and Restaurant Trust Fund.~~The~~
24 ~~department shall by rule adopt a fee schedule for the renewal~~
25 ~~of certificates of operation. The renewal period commences on~~
26 ~~August 1 of each year.~~

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

30 ~~(d) The department shall charge an annual fee for~~
31 ~~issuance of a certificate of operation in an amount to be set~~

1 ~~by rule. However, a renewal application for a certificate of~~
2 ~~operation filed with the department after expiration date of~~
3 ~~the certificate must be accompanied by a delinquency fee of~~
4 ~~\$50 in addition to the annual renewal fee and any other fees~~
5 ~~required by law. The fees must be deposited into the Hotel and~~
6 ~~Restaurant Trust Fund.~~

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

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

27 ~~(c) When a temporary operation permit is issued, the~~
28 ~~permit, together with a notice bearing a statement that the~~
29 ~~elevator has not been finally approved by a state elevator~~
30 ~~inspector, must be conspicuously posted in the elevator.~~

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

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

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

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

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

25 Section 8. Section 399.105, Florida Statutes, is
26 amended to read:

27 399.105 Administrative fines.--

28 (1) Any person who fails to comply with the reporting
29 requirements of this chapter ~~s. 399.02~~ or with the reasonable
30 requests of the department to determine whether the provisions
31 of a service maintenance contract and its implementation

1 assure safe elevator operation is subject to an administrative
2 fine not greater than \$1,000 in addition to any other penalty
3 provided by law.

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

14 (3) An elevator owner who continues to operate an
15 elevator after notice to discontinue its use or after it has
16 been sealed by the department is subject to an administrative
17 fine not greater than \$1,000 for each day the elevator has
18 been operated after the service of the notice or sealing by
19 the department, in addition to any other penalty provided by
20 law.

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

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

28 Section 9. Subsection (2) of section 399.106, Florida
29 Statutes, is amended to read:

30 399.106 Elevator Safety Technical Advisory
31 Committee.--

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

5 Section 10. Section 399.125, Florida Statutes, is
6 amended to read:

7 399.125 Reporting of elevator accidents ~~or incidents~~;
8 penalties.--Within 5 working days after any accident ~~or~~
9 ~~incident~~ occurring in or upon any elevator, the certificate of
10 operation holder shall report the accident or incident to the
11 division on a form prescribed by the division. Failure to
12 timely file this report is a violation of this chapter and
13 will subject the certificate of operation holder to an
14 administrative fine, to be imposed by the division, in an
15 amount not to exceed \$1,000.

16 Section 11. Section 399.13, Florida Statutes, is
17 amended to read:

18 399.13 Delegation of authority to municipalities or
19 counties.--

20 (1) The department may enter into contracts with
21 municipalities or counties under which such municipalities or
22 counties will issue construction permits, ~~temporary operation~~
23 ~~permits~~, and certificates of operation; will provide for
24 inspection of elevators including temporary operation
25 inspections; and will enforce the applicable provisions of the
26 Florida Building Code, as required by this chapter. The
27 municipality or county may choose to require inspections to be
28 performed by its own inspectors or by private certified
29 elevator inspectors. Each such agreement shall include a
30 provision that the municipality or county shall maintain for
31 inspection by the department copies of all applications for

1 permits issued, a copy of each inspection report issued, and
2 proper records showing the number of certificates of operation
3 issued; shall include a provision that each required
4 inspection be conducted by a certified elevator inspector ~~the~~
5 ~~holder of a certificate of competency issued by the~~
6 ~~department~~; and may include such other provisions as the
7 department deems necessary.

8 (2) The department may make inspections of elevators
9 in such municipality or county for the purpose of determining
10 that the provisions of this chapter are being met and may
11 cancel the contract with any municipality or county which the
12 department finds has failed to comply with such contract or
13 the provisions of this chapter. The amendments to chapter 399
14 by this act shall apply only to the installation, relocation,
15 or alteration of an elevator for which a permit has been
16 issued after October 1, 1990.

17 Section 12. Section 468.603, Florida Statutes, is
18 amended to read:

19 468.603 Definitions.--As used in this part:

20 (1) "Building code administrator" or "building
21 official" means any of those employees of municipal or county
22 governments with building construction regulation
23 responsibilities who are charged with the responsibility for
24 direct regulatory administration or supervision of plan
25 review, enforcement, or inspection of building construction,
26 erection, repair, addition, remodeling, demolition, or
27 alteration projects that may require permitting indicating
28 compliance with building, plumbing, mechanical, electrical,
29 gas, fire prevention, energy, accessibility, and other
30 construction codes as required by state law or municipal or
31 county ordinance. This term is synonymous with "building

1 official" as used in the administrative chapter of the
2 Standard Building Code and the South Florida Building Code.
3 One person employed by each municipal or county government as
4 a building code administrator or building official and who is
5 so certified under this part may be authorized to perform any
6 plan review or inspection for which certification is required
7 by this part.

8 (2) "Building code inspector" means any of those
9 employees of local governments, ~~or~~ state agencies, or
10 educational boards with building construction regulation
11 responsibilities who themselves conduct inspections of
12 building construction, erection, repair, addition, or
13 alteration projects that may require permitting indicating
14 compliance with building, plumbing, mechanical, electrical,
15 gas, fire prevention, energy, accessibility, and other
16 construction codes as required by state law or municipal or
17 county ordinance.

18 (3) "Board" means the Florida Building Code
19 Administrators and Inspectors Board.

20 (4) "Department" means the Department of Business and
21 Professional Regulation.

22 (5) "Certificate" means a certificate of qualification
23 issued by the department as provided in this part.

24 (6) "Categories of building code inspectors" include
25 the following:

26 (a) "Building inspector" means a person who is
27 qualified to inspect and determine that buildings and
28 structures are constructed in accordance with the provisions
29 of the governing building codes and state accessibility laws.

30 (b) "Coastal construction inspector" means a person
31 who is qualified to inspect and determine that buildings and

1 structures are constructed to resist near-hurricane and
2 hurricane velocity winds in accordance with the provisions of
3 the governing building code.

4 (c) "Commercial electrical inspector" means a person
5 who is qualified to inspect and determine the electrical
6 safety of commercial buildings and structures by inspecting
7 for compliance with the provisions of the National Electrical
8 Code.

9 (d) "Residential electrical inspector" means a person
10 who is qualified to inspect and determine the electrical
11 safety of one and two family dwellings and accessory
12 structures by inspecting for compliance with the applicable
13 provisions of the governing electrical code.

14 (e) "Mechanical inspector" means a person who is
15 qualified to inspect and determine that the mechanical
16 installations and systems for buildings and structures are in
17 compliance with the provisions of the governing mechanical
18 code.

19 (f) "Plumbing inspector" means a person who is
20 qualified to inspect and determine that the plumbing
21 installations and systems for buildings and structures are in
22 compliance with the provisions of the governing plumbing code.

23 (g) "One and two family dwelling inspector" means a
24 person who is qualified to inspect and determine that one and
25 two family dwellings and accessory structures are constructed
26 in accordance with the provisions of the governing building,
27 plumbing, mechanical, accessibility, and electrical codes.

28 (h) "Electrical inspector" means a person who is
29 qualified to inspect and determine the electrical safety of
30 commercial and residential buildings and accessory structures

31

1 by inspecting for compliance with the provisions of the
2 National Electrical Code.

3 (i) "Public educational building inspector" means a
4 person who is qualified to inspect and determine that public
5 educational buildings and structures constructed by
6 educational boards are in accordance with the provisions of
7 the governing building codes and state accessibility laws.

8 (7) "Plans examiner" means a person who is qualified
9 to determine that plans submitted for purposes of obtaining
10 building and other permits comply with the applicable
11 building, plumbing, mechanical, electrical, gas, fire
12 prevention, energy, accessibility, and other applicable
13 construction codes. Categories of plans examiners include:

14 (a) Building plans examiner.

15 (b) Plumbing plans examiner.

16 (c) Mechanical plans examiner.

17 (d) Electrical plans examiner.

18 (e) Public educational building plans examiner.

19 (8) "Building code enforcement official" or
20 "enforcement official" means a licensed building code
21 administrator, building code inspector, or plans examiner.

22 (9) "Public educational building code administrator"
23 or "public educational building official" means any of those
24 employees of educational boards with building construction
25 regulation responsibilities who are charged with the
26 responsibility for direct regulatory administration or
27 supervision of plan review, enforcement, or inspection of
28 building construction, erection, repair, addition, remodeling,
29 demolition, or alteration projects that may require permitting
30 indicating compliance with building, plumbing, mechanical,
31 electrical, gas, fire prevention, energy, accessibility, and

1 other construction codes as required by state law, rule, or
2 the Florida Building Code. This term is synonymous with
3 "building official" as used in the administrative chapter of
4 the Standard Building Code and the South Florida Building
5 Code. One person employed by each educational board as an
6 educational building code administrator or educational
7 building official and who is so certified under this part may
8 be authorized to perform any plan review or inspection for an
9 educational board for which certification is required by this
10 part.

11 (10) "Educational board" means a district school
12 board, a community college board, a university board, the
13 Florida School for the Deaf and Blind, or the Florida Board of
14 Education for the purpose of certification of enforcement
15 officials in public education.

16 Section 13. Subsection (4) is added to section
17 468.604, Florida Statutes, to read:

18 468.604 Responsibilities of building code
19 administrators, plans examiners, and inspectors.--

20 (4) It is the responsibility of persons employed as
21 public educational building code enforcement officials to
22 ensure that public educational buildings are constructed in
23 accordance with the Florida Building Code, applicable rules,
24 and statutes and, to the extent of the assigned licensed
25 responsibilities, that public money is expended appropriately.

26 Section 14. Paragraph (b) of subsection (2) of section
27 468.605, Florida Statutes, is amended to read:

28 468.605 Florida Building Code Administrators and
29 Inspectors Board.--

30 (2) The board shall consist of nine members, as
31 follows:

1 (b) Two members serving as building code
2 administrators, one of whom is an educational building code
3 administrator.

4
5 None of the board members described in paragraph (a) or
6 paragraph (f) may be an employee of a municipal, county, or
7 state governmental agency.

8 Section 15. Section 468.609, Florida Statutes, as
9 amended by section 14 of chapter 2001-372, Laws of Florida, is
10 amended to read:

11 468.609 Administration of this part; standards for
12 certification; additional categories of certification.--

13 (1) Except as provided in this part, any person who
14 desires to be certified shall apply to the board, in writing
15 upon forms approved and furnished by the board, to take the
16 certification examination.

17 (2) A person may take the examination for
18 certification as a building code inspector or plans examiner
19 pursuant to this part if the person:

20 (a) Is at least 18 years of age.

21 (b) Is of good moral character.

22 (c) Meets eligibility requirements according to one of
23 the following criteria:

24 1. Demonstrates 5 years' combined experience in the
25 field of construction or a related field, building code
26 inspection, or plans review corresponding to the certification
27 category sought;

28 2. Demonstrates a combination of postsecondary
29 education in the field of construction or a related field and
30 experience which totals 4 years, with at least 1 year of such
31

1 total being experience in construction, building code
2 inspection, or plans review;

3 3. Demonstrates a combination of technical education
4 in the field of construction or a related field and experience
5 which totals 4 years, with at least 1 year of such total being
6 experience in construction, building code inspection, or plans
7 review; or

8 4. Currently holds a standard certificate as issued by
9 the board and satisfactorily completes a building code
10 inspector or plans examiner training program of not less than
11 200 hours in the certification category sought. The board
12 shall establish by rule criteria for the development and
13 implementation of the training programs.

14 (d) After the Building Code Training Program is
15 established under s. 553.841, demonstrates successful
16 completion of the core curriculum approved by the Florida
17 Building Commission, appropriate to the licensing category
18 sought.

19 (3) A person may take the examination for
20 certification as a building code administrator pursuant to
21 this part if the person:

22 (a) Is at least 18 years of age.

23 (b) Is of good moral character.

24 (c) Meets eligibility requirements according to one of
25 the following criteria:

26 1. Demonstrates 10 years' combined experience as an
27 architect, engineer, plans examiner, building code inspector,
28 registered or certified contractor, or construction
29 superintendent, with at least 5 years of such experience in
30 supervisory positions; or

31

1 2. Demonstrates a combination of postsecondary
2 education in the field of construction or related field, no
3 more than 5 years of which may be applied, and experience as
4 an architect, engineer, plans examiner, building code
5 inspector, registered or certified contractor, or construction
6 superintendent which totals 10 years, with at least 5 years of
7 such total being experience in supervisory positions.

8 (d) After the Building Code Training Program is
9 established under s. 553.841, demonstrates successful
10 completion of the core curriculum approved by the Florida
11 Building Commission, appropriate to the licensing category
12 sought.

13 (4) A person may take the examination for
14 certification as a public educational building code inspector
15 or a public educational plans examiner pursuant to this part
16 if the person:

17 (a) Is at least 18 years of age.

18 (b) Is of good moral character.

19 (c) Meets eligibility requirements according to one of
20 the following criteria:

21 1. Demonstrates 5 years' combined experience in the
22 field of construction or a related field, building code
23 inspection, or plans review corresponding to the certification
24 category sought, with at least 1 year of such total being
25 experience in public educational construction, public
26 educational building code inspection, or public educational
27 plans review;

28 2. Demonstrates a combination of postsecondary
29 education in the field of construction or a related field and
30 experience which totals 4 years, with at least 1 year of such
31 total being experience in public educational construction,

1 public educational building code inspection, or public
2 educational plans review;

3 3. Demonstrates a combination of technical education
4 in the field of construction or a related field and experience
5 which totals 4 years, with at least 1 year of such total being
6 experience in public educational construction, public
7 educational building code inspection, or public educational
8 plans review; or

9 4. Currently holds a standard certificate as issued by
10 the board and satisfactorily completes a public educational
11 building code inspector or public educational plans examiner
12 training program of not less than 100 hours in the
13 certification category sought. The board shall establish by
14 rule criteria for the development and implementation of the
15 training programs.

16 (d) After the Building Code Training Program is
17 established under s. 553.841, demonstrates successful
18 completion of the core curriculum approved by the Florida
19 Building Commission, appropriate to the licensing category
20 sought.

21 (5) A person may take the examination for
22 certification as a public educational building code
23 administrator pursuant to this part if the person:

24 (a) Is at least 18 years of age.

25 (b) Is of good moral character.

26 (c) Meets eligibility requirements according to one of
27 the following criteria:

28 1. Demonstrates 10 years' combined experience as an
29 architect, engineer, plans examiner, building code inspector,
30 registered or certified contractor, or construction
31 superintendent, with at least 5 years of such experience in

1 supervisory positions. At least 2 of the 10 years must be in
2 the field of public educational schools construction;

3 2. Demonstrates a combination of postsecondary
4 education in the field of construction or related field, no
5 more than 5 years of which may be applied, and experience as
6 an architect, engineer, plans examiner, building code
7 inspector, registered or certified contractor, or construction
8 superintendent, which combination totals 10 years, with at
9 least 5 years of such total being experience in supervisory
10 positions. At least 2 of the 10 years must be in the field of
11 public educational schools construction; or

12 3. Currently holds a standard certificate as issued by
13 the board and satisfactorily completes a public educational
14 building code administrator training program of not less than
15 100 hours in the certification category sought. The board
16 shall establish by rule criteria for the development and
17 implementation of the training programs.

18 (d) After the Building Code Training Program is
19 established under s. 553.841, demonstrates successful
20 completion of the core curriculum approved by the Florida
21 Building Commission, appropriate to the licensing category
22 sought.

23 (6)(4) No person may engage in the duties of a
24 building code administrator, plans examiner, or building code
25 inspector pursuant to this part after October 1, 1993, unless
26 such person possesses one of the following types of
27 certificates, currently valid, issued by the board attesting
28 to the person's qualifications to hold such position:

29 (a) A standard certificate.

30 (b) A limited certificate.

31 (c) A provisional certificate.

1 (7)~~(5)~~(a) To obtain a standard certificate, an
2 individual must pass an examination approved by the board
3 which demonstrates that the applicant has fundamental
4 knowledge of the state laws and codes relating to the
5 construction of buildings for which the applicant has building
6 code administration, plans examination, or building code
7 inspection responsibilities. It is the intent of the
8 Legislature that the examination approved for certification
9 pursuant to this part be substantially equivalent to the
10 examinations administered by the Southern Building Code
11 Congress International and the Council of American Building
12 Officials.

13 (b) A standard certificate shall be issued to each
14 applicant who successfully completes the examination, which
15 certificate authorizes the individual named thereon to
16 practice throughout the state as a building code
17 administrator, plans examiner, or building code inspector
18 within such class and level as is specified by the board.

19 (c) The board may accept proof that the applicant has
20 passed an examination which is substantially equivalent to the
21 board-approved examination set forth in this section.

22 (8)~~(6)~~(a) A building code administrator, plans
23 examiner, or building code inspector holding office on July 1,
24 1993, shall not be required to possess a standard certificate
25 as a condition of tenure or continued employment, but shall be
26 required to obtain a limited certificate as described in this
27 subsection.

28 (b) By October 1, 1993, individuals who were employed
29 on July 1, 1993, as building code administrators, plans
30 examiners, or building code inspectors, who are not eligible
31 for a standard certificate, but who wish to continue in such

1 employment, shall submit to the board the appropriate
2 application and certification fees and shall receive a limited
3 certificate qualifying them to engage in building code
4 administration, plans examination, or building code inspection
5 in the class, at the performance level, and within the
6 governmental jurisdiction in which such person is employed.

7 (c) The limited certificate shall be valid only as an
8 authorization for the building code administrator, plans
9 examiner, or building code inspector to continue in the
10 position held, and to continue performing all functions
11 assigned to that position, on July 1, 1993.

12 (d) A building code administrator, plans examiner, or
13 building code inspector holding a limited certificate can be
14 promoted to a position requiring a higher level certificate
15 only upon issuance of a standard certificate or provisional
16 certificate appropriate for such new position.

17 (e) By March 1, 2003, or one year after the Florida
18 Building Code is implemented, whichever is later, individuals
19 who were employed by an educational board, the Department of
20 Education, or the State University System as building code
21 administrators, plans examiners, or inspectors, who do not
22 wish to apply for a standard certificate but who wish to
23 continue in such employment, shall submit to the board the
24 appropriate application and certification fees and shall
25 receive a limited certificate qualifying such individuals to
26 engage in building code administration, plans examination, or
27 inspection in the class, at the performance level, and within
28 the governmental jurisdiction in which such person is
29 employed. By March 1, 2008, or 5 years after the closing of
30 the limited educational license date, all limited certificate
31 qualified individuals must have applied for standard

1 educational certifications in the class, and at the
2 performance level of the individual, and must successfully
3 complete the application, testing, and certification process
4 for standard educational certifications.

5 (9)(7)(a) The board may provide for the issuance of
6 provisional certificates valid for such period, not less than
7 3 years nor more than 5 years, as specified by board rule, to
8 any newly employed or promoted building code inspector or
9 plans examiner who meets the eligibility requirements
10 described in subsection (2) and any newly employed or promoted
11 building code administrator who meets the eligibility
12 requirements described in subsection (3).

13 (b) The board shall provide for the issuance of
14 provisional educational certificates valid for such period,
15 not less than 3 years or more than 5 years, as specified by
16 board rule, to any newly employed or promoted educational
17 building code inspector or educational plans examiner who
18 meets the eligibility requirements described in subsection (4)
19 without educational experience and any newly employed or
20 promoted educational building code administrator who meets the
21 eligibility requirements described in subsection (5) without
22 educational experience. In order to obtain a provisional
23 educational certificate at least one of the years of
24 experience required in those subsections must be in commercial
25 construction.

26 (c)(b) No building code administrator, plans examiner,
27 or building code inspector may have a provisional certificate
28 extended beyond the specified period by renewal or otherwise.

29 (d)(c) The board may provide for appropriate levels of
30 provisional certificates and may issue these certificates with
31 such special conditions or requirements relating to the place

1 of employment of the person holding the certificate, the
2 supervision of such person on a consulting or advisory basis,
3 or other matters as the board may deem necessary to protect
4 the public safety and health.

5 (e)~~(d)~~ A newly employed or hired person may perform
6 the duties of a plans examiner or building code inspector for
7 90 days if a provisional certificate application has been
8 submitted, provided such person is under the direct
9 supervision of a certified building code administrator who
10 holds a standard certification and who has found such person
11 qualified for a provisional certificate. However, direct
12 supervision and the determination of qualifications under this
13 paragraph may be provided by a building code administrator who
14 holds a limited or provisional certificate in any county with
15 a population of less than 75,000 and in any municipality
16 located within such a county.

17 (10)~~(8)~~ Any individual applying to the board may be
18 issued a certificate valid for multiple building code
19 inspection classes, as deemed appropriate by the board.

20 (11)~~(9)~~ Certification and training classes may be
21 developed in coordination with degree career education
22 centers, community colleges, the State University System, or
23 other entities offering certification and training classes.

24 (12)~~(10)~~ The board may by rule create categories of
25 certification in addition to those defined in s. 468.603(6)
26 and (7). Such certification categories shall not be mandatory
27 and shall not act to diminish the scope of any certificate
28 created by statute.

29 Section 16. Section 468.613, Florida Statutes, is
30 amended to read:

31 468.613 Certification by endorsement.--

1 (1) The board shall examine other certification or
2 training programs, as applicable, upon submission to the board
3 for its consideration of an application for certification by
4 endorsement. The board shall waive its examination,
5 qualification, education, or training requirements, to the
6 extent that such examination, qualification, education, or
7 training requirements of the applicant are determined by the
8 board to be comparable with those established by the board.

9 (2) The board shall review, coordinate, and
10 incorporate into the public educational classifications
11 certifications information and testing data currently under
12 the responsibility of the Department of Education. The board
13 may contract with the Department of Education for any of the
14 services necessary to provide for the continued program of
15 public educational certification. The board shall incorporate
16 licensure and certification programs provisions by rule for
17 public educational building enforcement officials on or before
18 March 1, 2003, or no later than 1 year after the Florida
19 Building Code is implemented, whichever is later. As a
20 one-time testing program startup for public educational
21 certifications, the sum of \$25,000 is transferred to the
22 Building Administrators and Inspectors Board budget from the
23 Public Education Capital Outlay administrative budget.

24 Section 17. Subsection (4) of section 468.627, Florida
25 Statutes, is amended to read:

26 468.627 Application; examination; renewal; fees.--

27 (4) Employees of local government agencies and
28 educational boards having responsibility for building code
29 inspection, building construction regulation, and enforcement
30 of building, plumbing, mechanical, electrical, gas, fire
31

1 prevention, energy, accessibility, and other construction
2 codes shall pay no application fees or examination fees.

3 Section 18. Section 509.072, Florida Statutes, is
4 amended to read:

5 509.072 Hotel and Restaurant Trust Fund; collection
6 and disposition of moneys received.--

7 (1) There is created a Hotel and Restaurant Trust Fund
8 to be used for the administration and operation of the
9 division and the carrying out of all laws and rules under the
10 jurisdiction of the division pertaining to the construction,
11 maintenance, and operation of public lodging establishments
12 and public food service establishments, including the
13 inspection of elevators as required under chapter 399. All
14 funds collected by the division and the amounts paid for
15 licenses and fees shall be deposited in the State Treasury
16 into the Hotel and Restaurant Trust Fund.

17 (2) The department shall maintain a separate account
18 in the Hotel and Restaurant Trust Fund for funds collected for
19 the inspection of elevators as required under chapter 399. To
20 the maximum extent possible, the department shall directly
21 charge all expenses to the account for elevator inspections.
22 For the purpose of this subsection, direct charge expenses
23 include, but are not limited to, costs for investigations,
24 examinations, or legal services. For expenses that cannot be
25 charged directly, the department shall provide for the
26 proportionate allocation among the accounts of expenses
27 incurred by the department in the performance of its duties.
28 The department may not expend funds from the account of the
29 elevator inspections to pay for the expenses incurred on
30 behalf of hotel or restaurant regulation, nor may the funds be
31 deposited or transferred into any other trust fund

1 administered by the department or any of its divisions. The
2 department shall maintain adequate records to support its
3 allocation of the department's expenses.

4 (3)~~(2)~~ Fees collected under s. 509.302(3) and
5 deposited into the trust fund must be used solely for the
6 purpose of funding the Hospitality Education Program, except
7 for any trust fund service charge imposed by s. 215.20, and
8 may not be used to pay for any expense of the division not
9 directly attributable to the Hospitality Education Program.
10 These funds may not be deposited or transferred into any other
11 trust fund administered by the Department of Business and
12 Professional Regulation or any of its divisions. For audit
13 purposes, fees collected under s. 509.302(3) and all charges
14 against those fees must be maintained by the department as a
15 separate ledger.

16 Section 19. Paragraph (b) of subsection (4) of section
17 553.73, Florida Statutes, as amended by section 2 of chapter
18 2001-372, Laws of Florida, is amended to read:

19 553.73 Florida Building Code.--

20 (4)

21 (b) Local governments may, subject to the limitations
22 of this section, adopt amendments to the technical provisions
23 of the Florida Building Code which apply solely within the
24 jurisdiction of such government and which provide for more
25 stringent requirements than those specified in the Florida
26 Building Code, not more than once every 6 months. A local
27 government may adopt technical amendments that address local
28 needs if, ~~provided:~~

29 1. The local governing body determines, following a
30 public hearing which has been advertised in a newspaper of
31 general circulation at least 10 days before the hearing, that

1 there is a need to strengthen the requirements of the Florida
2 Building Code. The determination must be based upon a review
3 of local conditions by the local governing body, which review
4 demonstrates by evidence or data that the geographical
5 jurisdiction governed by the local governing body exhibits a
6 local need to strengthen the Florida Building Code beyond the
7 needs or regional variation addressed by the Florida Building
8 Code, that the local need is addressed by the proposed local
9 amendment, and that the amendment is no more stringent than
10 necessary to address the local need ~~that local conditions~~
11 ~~justify more stringent requirements than those specified in~~
12 ~~the Florida Building Code for the protection of life and~~
13 ~~property.~~

14 2. Such additional requirements are not discriminatory
15 against materials, products, or construction techniques of
16 demonstrated capabilities.

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

19 4. The enforcing agency shall make readily available,
20 in a usable format, all amendments adopted pursuant to this
21 section.

22 5. Any amendment to the Florida Building Code shall be
23 transmitted within 30 days by the adopting local government to
24 the commission. The commission shall maintain copies of all
25 such amendments in a format that is usable and obtainable by
26 the public.

27 6. Any amendment to the Florida Building Code adopted
28 by a local government pursuant to this paragraph shall be
29 effective only until the adoption by the commission of the new
30 edition of the Florida Building Code every third year. At such
31 time, the commission shall review such amendment for

1 consistency with the criteria in paragraph (6)(a) and adopt
2 such amendment as part of the Florida Building Code or rescind
3 the amendment. The commission shall immediately notify the
4 respective local government of the rescission of any
5 amendment. After receiving such notice, the respective local
6 government may readopt the rescinded amendment pursuant to the
7 provisions of this paragraph.

8 7. Each county and municipality desiring to make local
9 technical amendments to the Florida Building Code shall by
10 interlocal agreement establish a countywide compliance review
11 board to review any amendment to the Florida Building Code,
12 adopted by a local government within the county pursuant to
13 this paragraph, that is challenged by any substantially
14 affected party for purposes of determining the amendment's
15 compliance with this paragraph. If the compliance review board
16 determines such amendment is not in compliance with this
17 paragraph, the compliance review board shall notify such local
18 government of the noncompliance and that the amendment is
19 invalid and unenforceable until the local government corrects
20 the amendment to bring it into compliance. The local
21 government may appeal the decision of the compliance review
22 board to the commission, which shall conduct a hearing under
23 chapter 120 and the uniform rules of procedure. If the
24 compliance review board determines such amendment to be in
25 compliance with this paragraph, any substantially affected
26 party may appeal such determination to the commission, which
27 shall conduct a hearing under chapter 120 and the uniform
28 rules of procedure. The local government adopting the
29 amendment that is subject to challenge has the burden of
30 proving that the amendment complies with this paragraph in
31 proceedings before the compliance review board and the

1 commission, as applicable.Actions of the commission are
2 subject to judicial review pursuant to s. 120.68. The
3 compliance review board shall determine whether its decisions
4 apply to a respective local jurisdiction or apply countywide.

5 8. An amendment adopted under this paragraph shall
6 include a fiscal impact statement which documents the costs
7 and benefits of the proposed amendment. Criteria for the
8 fiscal impact statement shall include the impact to local
9 government relative to enforcement, the impact to property and
10 building owners, as well as to industry, relative to the cost
11 of compliance. The fiscal impact statement may not be used as
12 a basis for challenging the amendment for compliance.

13 9. In addition to subparagraphs 7. and 8., the
14 commission may review any amendments adopted pursuant to this
15 subsection and make nonbinding recommendations related to
16 compliance of such amendments with this subsection.

17 Section 20. Effective October 1, 2003, subsection (1)
18 of section 553.74, Florida Statutes, is amended to read:

19 553.74 Florida Building Commission.--

20 (1) The Florida Building Commission is created and
21 shall be located within the Department of Community Affairs
22 for administrative purposes. Members shall be appointed by the
23 Governor subject to confirmation by the Senate. The commission
24 shall be composed of 23 members, consisting of the following:

25 (a) One architect registered to practice in this state
26 and actively engaged in the profession.

27 (b) One structural engineer registered to practice in
28 this state and actively engaged in the profession.

29 (c) One air-conditioning or mechanical contractor
30 certified to do business in this state and actively engaged in
31 the profession.

1 (d) One electrical contractor certified to do business
2 in this state and actively engaged in the profession.

3 (e) One member from fire protection engineering or
4 technology who is actively engaged in the profession.

5 (f) One general contractor certified to do business in
6 this state and actively engaged in the profession.

7 (g) One plumbing contractor licensed to do business in
8 this state and actively engaged in the profession.

9 (h) One roofing or sheet metal, ~~or air-conditioning~~
10 contractor certified to do business in this state and actively
11 engaged in the profession.

12 (i) One residential contractor licensed to do business
13 in this state and actively engaged in the profession.

14 (j) Three members who are municipal or district codes
15 enforcement officials, one of whom is also a fire official.

16 (k) One member who represents the Department of
17 Insurance.

18 (l) One member who is a county codes enforcement
19 official.

20 (m) One member of a Florida-based organization of
21 persons with disabilities or a nationally chartered
22 organization of persons with disabilities with chapters in
23 this state.

24 (n) One member of the manufactured buildings industry
25 who is licensed to do business in this state and is actively
26 engaged in the industry.

27 (o) One mechanical or electrical engineer registered
28 to practice in this state and actively engaged in the
29 profession.

30 (p) One member who is a representative of a
31 municipality or a charter county.

1 (q) One member of the building products manufacturing
2 industry who is authorized to do business in this state and is
3 actively engaged in the industry.

4 (r) One member who is a representative of the building
5 owners and managers industry who is actively engaged in
6 commercial building ownership or management.

7 (s) One member who is a representative of the
8 insurance industry.

9 (t) One member who is a representative of public
10 education.

11 (u) One member who shall be the chair.

12
13 Any person serving on the commission under paragraph (c) or
14 paragraph (h) on October 1, 2003, and who has served less than
15 two full terms is eligible for reappointment to the commission
16 regardless of whether he or she meets the new qualification.

17 Section 21. Section 604.50, Florida Statutes, is
18 amended to read:

19 604.50 Nonresidential farm buildings.--Notwithstanding
20 any other law to the contrary, any nonresidential farm
21 building ~~located on a farm~~ is exempt from the Florida Building
22 Code and any county or municipal building code. For purposes
23 of this section, the term "nonresidential farm building" means
24 any building or support structure that is used for
25 agricultural purposes, is located on a farm that is not used
26 as a residential dwelling, and is located on land that is an
27 integral part of a farm operation or is classified as
28 agricultural land under s. 193.461. The term "farm" is as
29 defined in s. 823.14.

30 Section 22. Except as otherwise expressly provided in
31 this act, this act shall take effect upon becoming a law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 0104

4 This Committee Substitute differs from the bill as filed in
5 that it:

6 Requires the Florida Building Commission to develop
7 building code provisions to facilitate rehabilitation
8 and use of existing structures;

9 Amends ch. 399, F.S., to transfer from DBPR to the
10 private sector the responsibility for inspecting
11 elevators for temporary use while it is installed or
12 under alteration; to allow a local government that
13 assumes elevator inspection duties to hire private
14 inspector to conduct inspections; to require an annual
15 inspection for all elevators, regardless as to whether
16 they are under service maintenance contracts; to
17 restrict the use of elevator inspection program revenue
18 to program uses; and to make a number of technical
19 changes and clarifications;

20 Creates three new categories of building code
21 enforcement officials in chapter 468, F.S., specifically
22 designated for public educational facilities: a public
23 educational building inspector, plans examiner, and code
24 administrator; establishes criteria for licensure;
25 provides for a provisional educational certificate; and
26 provides an appropriation for public educational
27 certifications; it also expands the Florida Building
28 Code Administrators and Inspectors Board to include an
29 educational building code administrator;

30 Specifies additional criteria for local amendments to
31 the Florida Building Code;

 Changes the membership of the Florida Building
Commission; and

 Narrows the definition of non-residential far buildings;
which are exempt from the requirements of the Florida
Building Code.