

702-169AXB-32

Bill No. CS/HB 1307

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Cantens offered the following:

Amendment (with title amendment)

Remove: everything after the enacting clause,

and insert:

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

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

1 this state.

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

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

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

15 399.01 Definitions.--As used in this chapter, the
16 term:

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

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

24 (2)(3) "Certificate of operation" means a document
25 issued by the department which indicates that the conveyance
26 has had the required safety inspection and tests and that fees
27 have been paid as provided in this chapter.

28 (3)(4) "Conveyance" means an elevator, dumbwaiter,
29 escalator, moving sidewalk, platform lift, or ~~and~~ stairway
30 chairlift.

31 (4)(5) "Department" means the Department of Business

1 and Professional Regulation.

2 (5)~~(6)~~ "Division" means the Division of Hotels and
3 Restaurants of the Department of Business and Professional
4 Regulation.

5 (6)~~(7)~~ "Elevator" means one of the following
6 mechanical devices:

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

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

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

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

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

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

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

27 (7)~~(9)~~ "Existing installation" means an installation
28 defined as an "installation, existing" in the Florida Building
29 Code.

30 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"
31 means the committee appointed by the secretary of the

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1 Department of Business and Professional Regulation.

2 (9)~~(11)~~ "Private residence" means a separate dwelling
3 or a separate apartment in a multiple dwelling which is
4 occupied by members of a single-family unit.

5 (10)~~(12)~~ "Service maintenance contract" means a
6 contract that provides for routine examination, lubrication,
7 cleaning, adjustment, replacement of parts, and performance of
8 applicable code-required safety tests such as on a traction
9 elevator and annual relief pressure test on a hydraulic
10 elevator and any other service, repair, and maintenance
11 sufficient to ensure the safe operation of the elevator. A
12 service maintenance contract shall be made available upon
13 request of the department for purposes of oversight and
14 monitoring.

15 (11)~~(13)~~ "Temporarily dormant conveyance" means a
16 conveyance whose power supply has been disconnected by
17 removing fuses and placing a padlock on the mainline
18 disconnect switch in the "OFF" position. The car is parked,
19 and the hoistway doors are in the closed and latched position.
20 A wire seal is installed on the mainline disconnect switch by
21 a certified ~~certificate of competency~~ elevator inspector. This
22 conveyance installation may not be used again until it has
23 been put in safe running order and is in condition for use.
24 Annual inspections shall continue for the duration of the
25 temporarily dormant status by a certified ~~certificate of~~
26 ~~competency~~ elevator inspector. The temporarily dormant status
27 is renewable on an annual basis and may not exceed a 5-year
28 period. The inspector shall file a report with the department
29 ~~chief elevator inspector~~ describing the current conditions.
30 The wire seal and padlock may not be removed for any purpose
31 without permission from the department ~~elevator inspector~~.

1 (12)~~(14)~~ "Temporary operation inspection permit" means
2 an inspection performed by a certified elevator inspector, the
3 successful passage of a document issued by the department
4 which permits the temporary use of a noncompliant vertical
5 conveyance as provided by rule.

6 (13)~~(15)~~ "Registered elevator company" means an entity
7 registered with and authorized by the division employing
8 persons to construct, install, inspect, maintain, or repair
9 any vertical conveyance. Each registered elevator company must
10 annually register with the division and maintain general
11 liability insurance coverage in the minimum amounts set by
12 rule ~~the division~~.

13 (14)~~(16)~~ "Certified elevator inspector" is a natural
14 person registered with and authorized by the division to
15 construct, install, inspect, maintain, or repair any vertical
16 conveyance, after having properly acquired the qualified
17 elevator inspector credential as prescribed by the American
18 Society of Mechanical Engineers. Each certified elevator
19 inspector must annually register with the division and provide
20 ~~from the National Association of Elevator Safety Authorities.~~
21 ~~Such person shall remain so authorized by the division only~~
22 ~~upon providing annual proof of completion of 8 hours of~~
23 ~~continuing education, proof that and the qualified elevator~~
24 ~~inspector credential remains in good standing, and proof of~~
25 ~~with the National Association of Elevator Safety Authorities.~~
26 ~~A licensed mechanical engineer whose license is in good~~
27 ~~standing may be authorized as a certified elevator inspector~~
28 ~~by the division. Each certified elevator inspector must~~
29 ~~annually register with the division and maintain general~~
30 liability insurance coverage in the minimum amounts set by the
31 division.

1 (15)~~(17)~~ "Certified elevator technician" means a
2 natural person authorized by the division to construct,
3 install, maintain, or repair any vertical conveyance, after
4 having been issued an elevator certificate of competency by
5 the division. Each certified elevator technician must annually
6 register with the division and be covered by ~~maintain~~ general
7 liability insurance coverage in the minimum amounts set by the
8 division.

9 (16)~~(18)~~ "Elevator helper" means a natural person
10 performing work under the direct supervision of an elevator
11 certificate of competency holder ~~a certified elevator~~
12 ~~inspector or an elevator technician~~ to construct, install,
13 maintain, or repair any vertical conveyance.

14 (17)~~(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 nonrefundable fee of \$50. Such credential
18 shall be valid for and expire at the end of 1 year, and may be
19 renewed by the division when the division receives proof of
20 the elevator certificate of competency holder's completion of
21 8 hours of continuing education from a provider approved by
22 the department and a nonrefundable renewal fee of \$50. The
23 department shall adopt by rule criteria for providing approval
24 and procedures for continuing education reporting.

25 (a) An elevator certificate of competency may be
26 issued only if the applicant meets the following requirements:

27 1. Four years' work experience in the construction,
28 maintenance, service, and repair of conveyances covered by
29 this chapter. This experience shall be verified by current or
30 previously registered elevator companies as required by the
31 division.

- 1 2. One of the following:
- 2 a. Proof of completion and successful passage of a
- 3 written examination administered by the division or a provider
- 4 approved by the division under standards it adopted by rule.
- 5 b. Proof of completion of an apprenticeship program
- 6 for elevator mechanics which has standards substantially
- 7 equivalent to those found in a national training program for
- 8 elevator mechanics and is registered with the Bureau of
- 9 Apprenticeship and Training of the United States Department of
- 10 Labor or a state apprenticeship authority.
- 11 c. Proof of licensure or certification by a state or
- 12 local jurisdiction in the United States having standards
- 13 substantially equal to or more stringent than those of this
- 14 chapter.
- 15 (b) A licensed mechanical engineer whose license is in
- 16 good standing may be granted an elevator certificate of
- 17 competency.

18

19 All other building transportation terms are defined in the

20 current Florida Building Code.

21 Section 3. Subsections (1) and (5) of section 399.02,

22 Florida Statutes, are amended to read:

23 399.02 General requirements.--

24 (1) The Elevator Safety Technical Advisory Committee

25 shall develop and submit to the Director of Hotels and

26 Restaurants proposed regarding revisions to the elevator

27 safety code so that it is the same as or similar to the latest

28 editions ~~versions~~ of ASME A17.1, ASME A17.3, and ASME A18.1.

29 (5)(a) The construction permitholder is responsible

30 for the correction of violations and deficiencies until the

31 elevator has been inspected and a certificate of operation has

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1 been issued by the department. The construction permitholder
2 is responsible for all tests of new and altered equipment
3 until the elevator has been inspected and a certificate of
4 operation has been issued by the department.

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

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

26 Section 4. Section 399.03, Florida Statutes, is
27 amended to read:

28 399.03 Design, installation, and alteration of
29 conveyances.--

30 (1) A conveyance covered by this chapter may not be
31 erected, constructed, installed, or altered within buildings

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

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

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

22 (a) There are any false statements or
23 misrepresentations as to the material facts in the
24 application, plans, or specifications on which the permit was
25 based.

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

28 (c) The work detailed under the permit is not being
29 performed in accordance with the provisions of the
30 application, plans, or specifications or with the code or
31 conditions of the permit.

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

3 (4) A permit expires if:

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

8 (b) The work is suspended or abandoned for a period of
9 60 days, or such shorter period of time as the department may
10 specify at the time the permit is issued, after the work has
11 been started. For good cause, the department may allow a
12 discretionary extension for the foregoing period.

13 (5) All new conveyance installations must be performed
14 by a registered elevator company ~~person to whom a license to~~
15 ~~install or service a conveyance has been issued. Subsequent to~~
16 ~~installation, the licensed person, firm, or company must~~
17 ~~certify compliance with the applicable sections of this~~
18 ~~chapter and the Florida Building Code. Before any vertical~~
19 ~~conveyance is used, except those in a private residence, it~~
20 ~~must be inspected by a certified elevator licensed inspector~~
21 ~~not employed, or associated, or having a conflict of interest~~
22 ~~with the elevator construction permitholder or elevator owner~~
23 ~~and certified as meeting the safety provisions of the Florida~~
24 ~~Building Code, including the performance of all required~~
25 ~~safety tests. The certified elevator inspector shall provide~~
26 ~~the original copy of the inspection report to the department~~
27 ~~within 5 days after the inspection. A certificate of operation~~
28 ~~may not be issued until the permitholder provides an affidavit~~
29 ~~signed by the construction supervisor attesting that the~~
30 ~~supervisor directly supervised the construction or~~
31 ~~installation of the elevator. Upon successful inspection, the~~

1 ~~owner or lessee must apply to the department for a certificate~~
2 ~~of operation from the department. A fee as prescribed in this~~
3 ~~chapter must be paid for the certificate of operation. It is~~
4 ~~the responsibility of the licensed elevator construction~~
5 ~~permitholder to complete and submit a first-time registration~~
6 ~~for a new installation. Vertical conveyances, including~~
7 ~~stairway chairlifts, and inclined or vertical wheelchair lifts~~
8 ~~located in private residences are not required to obtain a~~
9 ~~certificate of operation under this chapter.~~

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

17 ~~(6)(7) At the department's request, and to facilitate~~
18 ~~oversight and monitoring, the permitholder shall notify the~~
19 ~~department of the scheduled final inspection date and time for~~
20 ~~purposes of acquiring a certificate of inspection, in writing,~~
21 ~~at least 7 days before completion of the work and shall, in~~
22 ~~the presence of a licensed elevator inspector not associated~~
23 ~~with or employed by the installing company or contractor,~~
24 ~~subject the newly installed, relocated, or altered portions of~~
25 ~~the elevator to tests required to show that the elevator meets~~
26 ~~the applicable provisions of the Florida Building Code.~~

27 ~~(7)(8) Each elevator shall comply with the edition of~~
28 ~~the Florida Building Code or Elevator Safety Code that was in~~
29 ~~effect at the time of receipt of application for the~~
30 ~~construction permit for the elevator.~~

31 ~~(8)(9) Each alteration to, or relocation of, an~~

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1 elevator shall comply with the edition of the Florida Building
2 Code or Elevator Safety Code that was in effect at the time of
3 receipt of the application for the construction permit for the
4 alteration or relocation.

5 (9)~~(10)~~ When any change is made in the classification
6 of an elevator, the elevator shall comply with all of the
7 requirements of the version of the Florida Building Code or
8 Elevator Safety Code that were in effect at the time of
9 receipt of the application for the construction permit for the
10 change in classification.

11 (10)(a) The temporary use of an elevator during
12 installation or alteration is authorized for a period of 30
13 days after the completion of a satisfactory temporary
14 operation inspection. An additional 30-day period of temporary
15 use is authorized from the date of completion of each
16 additional satisfactory temporary operation inspection. A
17 satisfactory temporary operation inspection must satisfy the
18 following criteria: the elevator is tested under contract
19 load; the hoistway is fully enclosed; the hoistway doors and
20 interlocks are installed; the car is completely enclosed,
21 including door or gate and top; all electrical safety devices
22 are installed and properly functioning; and terminal stopping
23 equipment is in place for a safe runby and proper clearance.
24 When a car is provided with a temporary enclosure, the
25 operating means must be by constant pressure push-button or
26 lever-type switch. The car may not exceed the minimum safe
27 operating speed of the elevator, and the governor tripping
28 speed must be set in accordance with the operating speed of
29 the elevator.

30 (b) Temporary use is authorized only when a
31 satisfactory temporary operation inspection report, completed

1 within the last 30 days by a certified elevator inspector, and
2 a notice prescribed by the department, bearing a statement
3 that the elevator has not been finally approved by a certified
4 elevator inspector, are conspicuously posted in the elevator.

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

7 399.049 Disciplinary action ~~Certificate of~~
8 ~~competency.--~~

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

18 (a) Any false statement as to a material matter in an
19 the application for registration, certification, or any permit
20 or certificate issued under this chapter.

21 (b) Fraud, misrepresentation, or bribery in the
22 practice of the profession ~~securing a license or certificate~~
23 ~~of competency.~~

24 (c) Failure by a certified elevator inspector to
25 provide to notify the department and the certificate of
26 operation holder with a copy of the inspection report within 5
27 days after the date of any inspection performed after the
28 initial certificate of operation is issued ~~of a conveyance~~
29 ~~covered by this chapter that is not in compliance with the~~
30 ~~provisions of the elevator safety code incorporated into the~~
31 ~~Florida Building Code.~~

1 (d) Violation of any provision of this chapter.
 2 (2) ~~DISCIPLINARY ACTION.~~ Any disciplinary action
 3 taken under this chapter must comply with chapter 120 and any
 4 rules adopted thereunder.

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

7 399.061 Inspections; service maintenance contracts;
 8 correction of deficiencies.--

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

25 (b) A statement verifying the existence and
 26 performance of each service maintenance contract must be filed
 27 at least annually with the division and as prescribed by rule.
 28 Cancellation of a service maintenance contract must be
 29 reported to the division as prescribed by rule. ~~The division~~
 30 ~~may inspect an elevator whenever necessary to ensure its safe~~
 31 ~~operation or when a third-party inspection service is not~~

1 ~~available for a routine inspection.~~

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

13 (3) Whenever the division determines from the results
14 of any inspection that, in the interest of the public safety,
15 an elevator is in an unsafe condition, the division may seal
16 the elevator or order the discontinuance of the use of the
17 elevator until the division determines by inspection that such
18 elevator has been satisfactorily repaired or replaced so that
19 the elevator may be operated in a safe manner.

20 (4) When the division determines that an elevator is
21 in violation of this chapter or the Florida Building Code, the
22 division may issue an order to the elevator owner requiring
23 correction of the violation and reinspection of the elevator
24 evidencing the correction.

25 Section 7. Section 399.07, Florida Statutes, is
26 amended to read:

27 399.07 Certificates of operation; ~~temporary operation~~
28 ~~permits;fees.--~~

29 ~~(1)(a) A certificate of operation may not be issued~~
30 ~~until the elevator company supervisor signs an affidavit~~
31 ~~stating that the elevator company supervisor directly~~

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

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

23 ~~(d) The department shall charge an annual fee for~~
24 ~~issuance of a certificate of operation in an amount to be set~~
25 ~~by rule. However, a renewal application for a certificate of~~
26 ~~operation filed with the department after expiration date of~~
27 ~~the certificate must be accompanied by a delinquency fee of~~
28 ~~\$50 in addition to the annual renewal fee and any other fees~~
29 ~~required by law. The fees must be deposited into the Hotel and~~
30 ~~Restaurant Trust Fund.~~

31 ~~(2)(a) The department may issue a temporary operation~~

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

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

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

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

28 (3) The certificate of operation shall contain the
29 text of s. 823.12, relating to the prohibition against smoking
30 in elevators.

31 (4) In addition to subsection (3), the designation "NO

1 SMOKING" along with the international symbol for no smoking
2 shall be conspicuously displayed within the interior of the
3 elevator in the plain view of the public.

4 (5) Except for ~~as authorized by a~~ temporary use
5 authorized by this chapter ~~operation permit~~, the operation or
6 use of any newly installed, relocated, or altered elevator is
7 prohibited until the elevator has passed the tests and
8 inspections required by this chapter and a certificate of
9 operation has been issued.

10 (6) The department may suspend any certificate of
11 operation if it finds that the elevator is not in compliance
12 with this chapter or of rules adopted under this chapter. The
13 suspension remains in effect until the department receives
14 satisfactory results of an inspection performed by a certified
15 elevator inspector indicating ~~determines, by inspection,~~ that
16 the elevator has been brought into compliance.

17 Section 8. Section 399.105, Florida Statutes, is
18 amended to read:

19 399.105 Administrative fines.--

20 (1) Any person who fails to comply with the reporting
21 requirements of this chapter ~~s. 399.02~~ or with the reasonable
22 requests of the department to determine whether the provisions
23 of a service maintenance contract and its implementation
24 ensure ~~assure~~ safe elevator operation is subject to an
25 administrative fine not greater than \$1,000 in addition to any
26 other penalty provided by law.

27 (2) Any person who commences the operation,
28 installation, relocation, or alteration of any elevator for
29 which a permit or certificate is required by this chapter
30 without having obtained from the department the permit or
31 certificate is subject to an administrative fine not greater

1 than \$1,000 in addition to any other penalty provided by law.
2 ~~No fine may be imposed under this subsection for commencing~~
3 ~~installation without a construction permit if such permit is~~
4 ~~issued within 60 days after the actual commencement of~~
5 ~~installation.~~

6 (3) An elevator owner who continues to operate an
7 elevator after notice to discontinue its use or after it has
8 been sealed by the department is subject to an administrative
9 fine not greater than \$1,000 for each day the elevator has
10 been operated after the service of the notice or sealing by
11 the department, in addition to any other penalty provided by
12 law.

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

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

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

22 399.106 Elevator Safety Technical Advisory
23 Committee.--

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

28 Section 10. Section 399.125, Florida Statutes, is
29 amended to read:

30 399.125 Reporting of elevator accidents ~~or incidents~~;
31 penalties.--Within 5 working days after any accident ~~or~~

1 ~~incident~~ occurring in or upon any elevator, the certificate of
2 operation holder shall report the accident ~~or incident~~ to the
3 division on a form prescribed by the division. Failure to
4 timely file this report is a violation of this chapter and
5 will subject the certificate of operation holder to an
6 administrative fine, to be imposed by the division, in an
7 amount not to exceed \$1,000.

8 Section 11. Section 399.13, Florida Statutes, is
9 amended to read:

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

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

31 (2) The department may make inspections of elevators

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1 in such municipality or county for the purpose of determining
2 that the provisions of this chapter are being met and may
3 cancel the contract with any municipality or county which the
4 department finds has failed to comply with such contract or
5 the provisions of this chapter. The amendments to chapter 399
6 by this act shall apply only to the installation, relocation,
7 or alteration of an elevator for which a permit has been
8 issued after October 1, 1990.

9 Section 12. Section 509.072, Florida Statutes, is
10 amended to read:

11 509.072 Hotel and Restaurant Trust Fund; collection
12 and disposition of moneys received.--

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

23 (2) The department shall maintain a separate account
24 in the Hotel and Restaurant Trust Fund for funds collected for
25 the inspection of elevators as required under chapter 399. To
26 the maximum extent possible, the department shall directly
27 charge all expenses to the account for elevator inspections.
28 For the purpose of this subsection, direct charge expenses
29 include, but are not limited to, costs for investigations,
30 examinations, or legal services. For expenses that cannot be
31 charged directly, the department shall provide for the

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1 proportionate allocation among the accounts of expenses
2 incurred by the department in the performance of its duties.
3 The department may not expend funds from the account of the
4 elevator inspections to pay for the expenses incurred on
5 behalf of hotel or restaurant regulation, nor may the funds be
6 deposited or transferred into any other trust fund
7 administered by the department or any of its divisions. The
8 department shall maintain adequate records to support its
9 allocation of the department's expenses.

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

22 Section 13. Paragraph (b) of subsection (4) of section
23 553.73, Florida Statutes, as amended by section 2 of chapter
24 2001-372, Laws of Florida, is amended to read:

25 553.73 Florida Building Code.--

26 (4)

27 (b) Local governments may, subject to the limitations
28 of this section, adopt amendments to the technical provisions
29 of the Florida Building Code which apply solely within the
30 jurisdiction of such government and which provide for more
31 stringent requirements than those specified in the Florida

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1 Building Code, not more than once every 6 months. A local
2 government may adopt technical amendments that address local
3 needs if, provided:
4 1. The local governing body determines, following a
5 public hearing which has been advertised in a newspaper of
6 general circulation at least 10 days before the hearing, that
7 there is a need to strengthen the requirements of the Florida
8 Building Code. The determination must be based upon a review
9 of local conditions by the local governing body, which review
10 demonstrates by evidence or data that the geographical
11 jurisdiction governed by the local governing body exhibits a
12 local need to strengthen the Florida Building Code beyond the
13 needs or regional variation addressed by the Florida Building
14 Code, that the local need is addressed by the proposed local
15 amendment, and that the amendment is no more stringent than
16 necessary to address the local need ~~that local conditions~~
17 ~~justify more stringent requirements than those specified in~~
18 ~~the Florida Building Code for the protection of life and~~
19 ~~property.~~
20 2. Such additional requirements are not discriminatory
21 against materials, products, or construction techniques of
22 demonstrated capabilities.
23 3. Such additional requirements may not introduce a
24 new subject not addressed in the Florida Building Code.
25 4. The enforcing agency shall make readily available,
26 in a usable format, all amendments adopted pursuant to this
27 section.
28 5. Any amendment to the Florida Building Code shall be
29 transmitted within 30 days by the adopting local government to
30 the commission. The commission shall maintain copies of all
31 such amendments in a format that is usable and obtainable by

1 the public.

2 6. Any amendment to the Florida Building Code adopted
3 by a local government pursuant to this paragraph shall be
4 effective only until the adoption by the commission of the new
5 edition of the Florida Building Code every third year. At such
6 time, the commission shall review such amendment for
7 consistency with the criteria in paragraph (6)(a) and adopt
8 such amendment as part of the Florida Building Code or rescind
9 the amendment. The commission shall immediately notify the
10 respective local government of the rescission of any
11 amendment. After receiving such notice, the respective local
12 government may readopt the rescinded amendment pursuant to the
13 provisions of this paragraph.

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

1 party may appeal such determination to the commission, which
2 shall conduct a hearing under chapter 120 and the uniform
3 rules of procedure. The local government adopting the
4 amendment that is subject to challenge has the burden of
5 proving that the amendment complies with this paragraph in
6 proceedings before the compliance review board and the
7 commission, as applicable. Actions of the commission are
8 subject to judicial review pursuant to s. 120.68. The
9 compliance review board shall determine whether its decisions
10 apply to a respective local jurisdiction or apply countywide.

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

19 9. In addition to subparagraphs 7. and 8., the
20 commission may review any amendments adopted pursuant to this
21 subsection and make nonbinding recommendations related to
22 compliance of such amendments with this subsection.

23 Section 14. Effective October 1, 2003, subsection (1)
24 of section 553.74, Florida Statutes, is amended to read:

25 553.74 Florida Building Commission.--

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

31 (a) One architect registered to practice in this state

1 and actively engaged in the profession.

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

4 (c) One air-conditioning or mechanical contractor
5 certified to do business in this state and actively engaged in
6 the profession.

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

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

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

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

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

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

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

22 (k) One member who represents the Department of
23 Insurance.

24 (l) One member who is a county codes enforcement
25 official.

26 (m) One member of a Florida-based organization of
27 persons with disabilities or a nationally chartered
28 organization of persons with disabilities with chapters in
29 this state.

30 (n) One member of the manufactured buildings industry
31 who is licensed to do business in this state and is actively

1 engaged in the industry.

2 (o) One mechanical or electrical engineer registered
3 to practice in this state and actively engaged in the
4 profession.

5 (p) One member who is a representative of a
6 municipality or a charter county.

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

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

13 (s) One member who is a representative of the
14 insurance industry.

15 (t) One member who is a representative of public
16 education.

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

18

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

23 Section 15. Subsection (7) is added to section 553.77,
24 Florida Statutes, to read:

25 553.77 Specific powers of the commission.--

26 (7) The commission shall by rule establish an informal
27 process of rendering nonbinding interpretations of the Florida
28 Building Code. The commission is specifically authorized to
29 refer interpretive issues to organizations that represent
30 those engaged in the construction industry. The commission is
31 directed to immediately implement the process prior to the

1 completion of formal rulemaking. It is the intent of the
2 Legislature that the commission create a process to refer
3 questions to a small, rotating group of individuals licensed
4 under part XII of chapter 468, to which a party can pose
5 questions regarding the interpretation of code provisions. It
6 is the intent of the Legislature that the process provide for
7 the expeditious resolution of the issues presented and
8 publication of the resulting interpretation on the Building
9 Code Information System. Such interpretations are to be
10 advisory only and nonbinding on the parties or the commission.

11 Section 16. Effective October 1, 2002, section
12 553.791, Florida Statutes, is created to read:

13 553.791 Alternative plans review and inspection.--

14 (1) As used in this section, the term:

15 (a) "Applicable codes" means the Florida Building Code
16 and any local technical amendments to the Florida Building
17 Code but does not include the applicable minimum fire
18 prevention and firesafety codes adopted pursuant to chapter
19 633.

20 (b) "Building" means any construction, erection,
21 alteration, demolition, or improvement of, or addition to, any
22 structure for which permitting by a local enforcement agency
23 is required.

24 (c) "Building code inspection services" means those
25 services described in s. 468.603(6) and (7) involving the
26 review of building plans to determine compliance with
27 applicable codes and those inspections required by law of each
28 phase of construction for which permitting by a local
29 enforcement agency is required to determine compliance with
30 applicable codes.

31 (d) "Duly authorized representative" means an agent of

1 the private provider identified in the permit application who
2 reviews plans or performs inspections as provided by this
3 section and who is licensed as an engineer under chapter 471
4 or as an architect under chapter 481 or who holds a standard
5 certificate under part XII of chapter 468.

6 (e) "Local building official" means the individual
7 within the governing jurisdiction responsible for direct
8 regulatory administration or supervision of plans review,
9 enforcement, and inspection of any construction, erection,
10 alteration, demolition, or substantial improvement of, or
11 addition to, any structure for which permitting is required to
12 indicate compliance with applicable codes and includes any
13 duly authorized designee of such person.

14 (f) "Permit application" means a properly completed
15 and submitted application for:

- 16 1. The requested building or construction permit.
- 17 2. The plans reviewed by the private provider.
- 18 3. The affidavit from the private provider required
19 pursuant to subsection (5).
- 20 4. Any applicable fees.
- 21 5. Any documents required by the local building
22 official to determine that the fee owner has secured all other
23 government approvals required by law.

24 (g) "Private provider" means a person licensed as an
25 engineer under chapter 471 or as an architect under chapter
26 481.

27 (h) "Request for certificate of occupancy or
28 certificate of completion" means a properly completed and
29 executed application for:

- 30 1. A certificate of occupancy or certificate of
31 completion.

1 2. A certificate of compliance from the private
2 provider required pursuant to subsection (10).

3 3. Any applicable fees.

4 4. Any documents required by the local building
5 official to determine that the fee owner has secured all other
6 government approvals required by law.

7 (2) Notwithstanding any other provision of law, the
8 fee owner of a building may use a private provider to provide
9 building code inspection services with regard to such building
10 and may make payment directly to the private provider for the
11 provision of such services. All such services shall be the
12 subject of a written contract between the private provider, or
13 the private provider's firm, and the fee owner. The fee owner
14 may elect to use a private provider to provide either plans
15 review or required building inspections. The local building
16 official, in his or her discretion and pursuant to duly
17 adopted policies of the local enforcement agency, may require
18 the fee owner who desires to use a private provider to use the
19 private provider to provide both plans review and required
20 building inspection services.

21 (3) A private provider and any duly authorized
22 representative may only perform building code inspection
23 services that are within the disciplines covered by that
24 person's licensure or certification under chapter 481, chapter
25 471, or chapter 468. A private provider may not provide
26 building code inspection services pursuant to this section
27 upon any building designed or constructed by the private
28 provider or the private provider's firm.

29 (4) A fee owner using a private provider to provide
30 building code inspection services shall notify the local
31 building official at the time of permit application on a form

1 to be adopted by the commission. This notice shall include the
2 following information:

3 (a) The services to be performed by the private
4 provider.

5 (b) The name, firm, address, telephone number, and
6 facsimile number of each private provider who is performing or
7 will perform such services, his or her professional license or
8 certification number, qualification statements or resumes,
9 and, if required by the local building official, a certificate
10 of insurance demonstrating that professional liability
11 insurance coverage is in place for the private provider's
12 firm, the private provider, and any duly authorized
13 representative in the amounts required by this section.

14 (c) An acknowledgment from the fee owner in
15 substantially the following form:

16
17 I have elected to use one or more private
18 providers to provide building code plans review
19 and/or inspection services on the building that
20 is the subject of the enclosed permit
21 application, as authorized by s. 553.791,
22 Florida Statutes. I understand that the local
23 building official may not review the plans
24 submitted or perform the required building
25 inspections to determine compliance with the
26 applicable codes, except to the extent
27 specified in said law. Instead, plans review
28 and/or required building inspections will be
29 performed by licensed or certified personnel
30 identified in the application. The law
31 requires minimum insurance requirements for

1 such personnel, but I understand that I may
 2 require more insurance to protect my interests.
 3 By executing this form, I acknowledge that I
 4 have made inquiry regarding the competence of
 5 the licensed or certified personnel and the
 6 level of their insurance and am satisfied that
 7 my interests are adequately protected. I agree
 8 to indemnify, defend, and hold harmless the
 9 local government, the local building official,
 10 and their building code enforcement personnel
 11 from any and all claims arising from my use of
 12 these licensed or certified personnel to
 13 perform building code inspection services with
 14 respect to the building that is the subject of
 15 the enclosed permit application.

16
 17 If the fee owner makes any changes to the listed private
 18 providers or the services to be provided by those private
 19 providers, the fee owner shall, within 1 business day after
 20 any change, update the notice to reflect such changes.

21 (5) A private provider performing plans review under
 22 this section shall review construction plans to determine
 23 compliance with the applicable codes. Upon determining that
 24 the plans reviewed comply with the applicable codes, the
 25 private provider shall prepare an affidavit or affidavits on a
 26 form adopted by the commission certifying, under oath, that
 27 the following is true and correct to the best of the private
 28 provider's knowledge and belief:

29 (a) The plans were reviewed by the affiant, who is
 30 duly authorized to perform plans review pursuant to this
 31 section and holds the appropriate license or certificate.

1 (b) The plans comply with the applicable codes.
2 (6)(a) Within 30 business days after receipt of a
3 permit application, the local building official shall issue
4 the requested permit or provide a written notice to the permit
5 applicant identifying the specific plan features that do not
6 comply with the applicable codes, as well as the specific code
7 chapters and sections. If the local building official does
8 not provide a written notice of the plan deficiencies within
9 the prescribed 30-day period, the permit application shall be
10 deemed approved as a matter of law and the permit shall be
11 issued by the local building official on the next business
12 day.

13 (b) If the local building official provides a written
14 notice of plan deficiencies to the permit applicant within the
15 prescribed 30-day period, the 30-day period shall be tolled
16 pending resolution of the matter. To resolve the plan
17 deficiencies, the permit applicant may elect to dispute the
18 deficiencies pursuant to subsection (12) or to submit
19 revisions to correct the deficiencies.

20 (c) If the permit applicant submits revisions, the
21 local building official has the remainder of the tolled 30-day
22 period plus 5 business days to issue the requested permit or
23 to provide a second written notice to the permit applicant
24 stating which of the previously identified plan features
25 remain in noncompliance with the applicable codes, with
26 specific reference to the relevant code chapters and sections.
27 If the local building official does not provide the second
28 written notice within the prescribed time period, the permit
29 shall be issued by the local building official on the next
30 business day.

31 (d) If the local building official provides a second

1 written notice of plan deficiencies to the permit applicant
2 within the prescribed time period, the permit applicant may
3 elect to dispute the deficiencies pursuant to subsection (12)
4 or to submit additional revisions to correct the deficiencies.
5 For all revisions submitted after the first revision, the
6 local building official has an additional 5 business days to
7 issue the requested permit or to provide a written notice to
8 the permit applicant stating which of the previously
9 identified plan features remain in noncompliance with the
10 applicable codes, with specific reference to the relevant code
11 chapters and sections.

12 (7) A private provider performing required inspections
13 under this section shall inspect each phase of construction as
14 required by the applicable codes. The private provider shall
15 be permitted to send a duly authorized representative to the
16 building site to perform the required inspections, provided
17 all required reports and certifications are prepared by and
18 bear the signature of the private provider. The contractor's
19 contractual or legal obligations are not relieved by any
20 action of the private provider.

21 (8) A private provider performing required inspections
22 under this section shall provide notice to the local building
23 official of the date and approximate time of any such
24 inspection no later than the prior business day by 2 p.m.
25 local time or by any later time permitted by the local
26 building official in that jurisdiction. The local building
27 official may visit the building site as often as necessary to
28 verify that the private provider is performing all required
29 inspections.

30 (9) Upon completing the required inspections at each
31 applicable phase of construction, the private provider shall

1 record such inspections on a form acceptable to the local
2 building official. These inspection records shall reflect
3 those inspections required by the applicable codes of each
4 phase of construction for which permitting by a local
5 enforcement agency is required. The private provider, before
6 leaving the project site, shall post each completed inspection
7 record, indicating pass or fail, at the site and provide the
8 record to the local building official within 2 business days.
9 Records of all required and completed inspections shall be
10 maintained at the building site at all times and made
11 available for review by the local building official. The
12 private provider shall report to the local enforcement agency
13 any condition that poses an immediate threat to public safety
14 and welfare.

15 (10) Upon completion of all required inspections, the
16 private provider shall prepare a certificate of compliance, on
17 a form acceptable to the local building official, summarizing
18 the inspections performed and including a written
19 representation, under oath, that the stated inspections have
20 been performed and that, to the best of the private provider's
21 knowledge and belief, the building construction inspected
22 complies with the approved plans and applicable codes. The
23 statement required of the private provider shall be
24 substantially in the following form:

25
26 To the best of my knowledge and belief, the
27 building components and site improvements
28 outlined herein and inspected under my
29 authority have been completed in conformance
30 with the approved plans and the applicable
31 codes.

1
2 (11) Within 2 business days after receipt of a request
3 for a certificate of occupancy or certificate of completion
4 and the applicant's presentation of a certificate of
5 compliance and approval of all other government approvals
6 required by law, the local building official shall issue the
7 certificate of occupancy or certificate of completion or
8 provide a notice to the applicant identifying the specific
9 deficiencies, as well as the specific code chapters and
10 sections. If the local building official does not provide
11 notice of the deficiencies within the prescribed 2-day period,
12 the request for a certificate of occupancy or certificate of
13 completion shall be deemed granted and the certificate of
14 occupancy or certificate of completion shall be issued by the
15 local building official on the next business day. To resolve
16 any identified deficiencies, the applicant may elect to
17 dispute the deficiencies pursuant to subsection (12) or to
18 submit a corrected request for a certificate of occupancy or
19 certificate of completion.

20 (12) If the local building official determines that
21 the building construction or plans do not comply with the
22 applicable codes, the official may deny the permit or request
23 for a certificate of occupancy or certificate of completion,
24 as appropriate, or may issue a stop-work order for the project
25 or any portion thereof, if the official determines that such
26 noncompliance poses a threat to public safety and welfare,
27 subject to the following:

28 (a) The local building official shall be available to
29 meet with the private provider within 2 business days to
30 resolve any dispute after issuing a stop-work order or
31 providing notice to the applicant denying a permit or request

1 for a certificate of occupancy or certificate of completion.

2 (b) If the local building official and private
3 provider are unable to resolve the dispute, the matter shall
4 be referred to the local enforcement agency's board of
5 appeals, if one exists, which shall consider the matter at its
6 next scheduled meeting or sooner. Any decisions by the local
7 enforcement agency's board of appeals, or local building
8 official if there is no board of appeals, may be appealed to
9 the commission pursuant to s. 553.77(1)(h).

10 (c) Notwithstanding any provision of this section, any
11 decisions regarding the issuance of a building permit,
12 certificate of occupancy, or certificate of completion may be
13 reviewed by the local enforcement agency's board of appeals,
14 if one exists. Any decision by the local enforcement agency's
15 board of appeals, or local building official if there is no
16 board of appeals, may be appealed to the commission pursuant
17 to s. 553.77(1)(h), which shall consider the matter at the
18 commission's next scheduled meeting.

19 (13) For the purposes of this section, any notice to
20 be provided by the local building official shall be deemed to
21 be provided to the person or entity when successfully
22 transmitted to the facsimile number listed for that person or
23 entity in the permit application or revised permit
24 application, or, if no facsimile number is stated, when
25 actually received by that person or entity.

26 (14) No local enforcement agency, local building
27 official, or local government may adopt or enforce any laws,
28 rules, procedures, or standards more stringent than those
29 prescribed by this section.

30 (15) A private provider may perform building code
31 inspection services under this section only if the private

1 provider maintains insurance for professional and
2 comprehensive general liability with minimum policy limits of
3 \$1 million per occurrence relating to all services performed
4 as a private provider, including tail coverage for a minimum
5 of 5 years subsequent to the performance of building code
6 inspection services.

7 (16) When performing building code inspection
8 services, a private provider is subject to the disciplinary
9 guidelines of the applicable professional board with
10 jurisdiction over his or her license or certification under
11 chapter 468, chapter 471, or chapter 481. All private
12 providers shall be subject to the disciplinary guidelines of
13 s. 468.621(1)(c)-(h). Any complaint processing,
14 investigation, and discipline that arise out of a private
15 provider's performance of building code inspection services
16 shall be conducted by the applicable professional board.

17 (17) Each local building code enforcement agency shall
18 develop and maintain a process to audit the performance of
19 building code inspection services by private providers
20 operating within the local jurisdiction.

21 (18) The local government, the local building
22 official, and their building code enforcement personnel shall
23 be immune from liability to any person or party for any action
24 or inaction by a fee owner of a building, or by a private
25 provider or its duly authorized representative, in connection
26 with building code inspection services as authorized in this
27 act.

28 Section 17. Section 604.50, Florida Statutes, is
29 amended to read:

30 604.50 Nonresidential farm buildings.--Notwithstanding
31 any other law to the contrary, any nonresidential farm

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1 ~~building located on a farm~~ is exempt from the Florida Building
2 Code and any county or municipal building code. For purposes
3 of this section, the term "nonresidential farm building" means
4 any building or support structure that is used for
5 agricultural purposes, is located on a farm that is not used
6 as a residential dwelling, and is located on land that is an
7 integral part of a farm operation or is classified as
8 agricultural land under s. 193.461. The term "farm" is as
9 defined in s. 823.14.

10 Section 18. Subsection (1) of section 627.0629,
11 Florida Statutes, as amended by chapter 2001-372, Laws of
12 Florida, is amended to read:

13 627.0629 Residential property insurance; rate
14 filings.--

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

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Bill No. CS/HB 1307

Amendment No. ____ (for drafter's use only)

1 28, 2003.

2 Section 19. Except as otherwise expressly provided in
3 this act, this act shall take effect upon becoming a law.

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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Remove: the entire title,

9

10 and insert:

11 A bill to be entitled
12 An act relating to building code development
13 and administration; requiring the Florida
14 Building Commission to develop building code
15 provisions to facilitate the rehabilitation and
16 use of existing structures; requiring the
17 commission to identify legislative changes
18 required to implement code provisions;
19 requiring a report to the Legislature; amending
20 s. 399.01, F.S.; revising and removing
21 definitions; requiring that elevator service
22 maintenance contracts be made available to the
23 Department of Business and Professional
24 Regulation upon request for oversight purposes;
25 revising qualifications for an elevator
26 certificate of competency; amending s. 399.02,
27 F.S.; providing that each elevator owner is
28 responsible for inspections and correction of
29 code deficiencies; eliminating a requirement
30 that the department review service maintenance
31 contracts and determine whether they ensure

1 safe operation; amending s. 399.03, F.S.;

2 revising requirements relating to the design,

3 installation, and alteration of conveyances;

4 providing additional requirements for issuance

5 of elevator permits; revising reporting

6 requirements; providing requirements for

7 temporary operation inspections; amending s.

8 399.049, F.S.; revising grounds for suspension

9 or revocation of certification or registration;

10 amending s. 399.061, F.S.; eliminating the

11 requirement that annual inspections be

12 conducted through third-party inspection

13 services; revising reporting requirements

14 relating to service maintenance contracts;

15 revising requirements relating to the

16 correction of violations; amending s. 399.07,

17 F.S.; extending the period of validity of

18 certificates of operation from 1 to 2 years;

19 revising fee provisions to conform; amending s.

20 399.105, F.S.; providing administrative fines

21 for violations relating to reporting, operating

22 a sealed elevator, and complying with

23 correction orders; eliminating a restriction on

24 the issuance of an administrative fine relating

25 to commencing installation without a

26 construction permit; amending s. 399.106, F.S.;

27 correcting a reference; amending s. 399.125,

28 F.S.; eliminating the requirement to report

29 elevator incidents; amending s. 399.13, F.S.;

30 allowing municipalities or counties that assume

31 elevator inspection duties to hire private

702-169AXB-32

Bill No. CS/HB 1307

Amendment No. ____ (for drafter's use only)

1 inspectors to conduct inspections; amending s.
2 509.072, F.S.; requiring the Department of
3 Business and Professional Regulation to
4 separately account for the funds collected for
5 the inspection of elevators in the Hotel and
6 Restaurant Trust Fund; amending s. 553.73,
7 F.S.; revising provisions governing local
8 government amendments to the technical
9 provisions of the Florida Building Code;
10 amending s. 553.74, F.S.; revising eligibility
11 for membership on the Florida Building
12 Commission; amending s. 553.77, F.S.; providing
13 additional specific powers, duties, and
14 requirements of the commission; providing
15 legislative intent; amending s. 553.791, F.S.;
16 providing alternative procedures for building
17 plans review and inspection; providing
18 definitions; authorizing use of a private
19 provider to review plans and make building code
20 inspections under certain circumstances;
21 providing a limitation; requiring notice to the
22 local building official; specifying notice
23 information; specifying requirements, duties,
24 and responsibilities of a private provider;
25 providing for a certificate of compliance;
26 providing duties of the local building
27 official; providing procedures for approval or
28 denial of a certificate of compliance or a
29 building permit; prohibiting local entities
30 from adopting or enforcing certain laws, rules,
31 procedures, or standards; requiring a private

1 provider to maintain certain insurance;
2 subjecting private providers to certain
3 disciplinary provisions; limiting use of a
4 private provider under certain circumstances;
5 requiring local building code enforcement
6 agencies to develop and maintain a process to
7 audit the performance of building code
8 inspection services; providing immunity from
9 liability; amending s. 604.50, F.S.; redefining
10 the term "nonresidential farm building" for
11 purposes of an exemption from the Florida
12 Building Code; amending s. 627.0629, F.S.;
13 revising timeframe for rate filing for
14 residential property insurance; providing an
15 effective date.

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