

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

1 requirement that annual inspections be
2 conducted through third-party inspection
3 services; revising reporting requirements
4 relating to service maintenance contracts;
5 revising requirements relating to the
6 correction of violations; amending s. 399.07,
7 F.S.; extending the period of validity of
8 certificates of operation from 1 to 2 years;
9 revising fee provisions to conform; amending s.
10 399.105, F.S.; providing administrative fines
11 for violations relating to reporting, operating
12 a sealed elevator, and complying with
13 correction orders; eliminating a restriction on
14 the issuance of an administrative fine relating
15 to commencing installation without a
16 construction permit; amending s. 399.106, F.S.;
17 correcting a reference; amending s. 399.125,
18 F.S.; eliminating the requirement to report
19 elevator incidents; amending s. 399.13, F.S.;
20 allowing municipalities or counties that assume
21 elevator inspection duties to hire private
22 inspectors to conduct inspections; amending s.
23 553.512, F.S.; requiring the granting of a
24 waiver of certain requirements for
25 accessibility purposes under certain
26 circumstances; amending s. 553.73, F.S.;
27 revising provisions governing local government
28 amendments to the technical provisions of the
29 Florida Building Code; amending s. 553.74,
30 F.S.; revising eligibility for membership on
31 the Florida Building Commission; amending s.

1 553.77, F.S.; providing additional specific
2 powers, duties, and requirements of the
3 commission; providing legislative intent;
4 amending s. 553.791, F.S.; providing
5 alternative procedures for building plans
6 review and inspection; providing definitions;
7 authorizing use of a private provider to review
8 plans and make building code inspections under
9 certain circumstances; providing a limitation;
10 requiring notice to the local building
11 official; specifying notice information;
12 specifying requirements, duties, and
13 responsibilities of a private provider;
14 providing for a certificate of compliance;
15 providing duties of the local building
16 official; providing procedures for approval or
17 denial of a certificate of compliance or a
18 building permit; prohibiting local entities
19 from adopting or enforcing certain laws, rules,
20 procedures, or standards; requiring a private
21 provider to maintain certain insurance;
22 subjecting private providers to certain
23 disciplinary provisions; limiting use of a
24 private provider under certain circumstances;
25 requiring local building code enforcement
26 agencies to develop and maintain a process to
27 audit the performance of building code
28 inspection services; providing immunity from
29 liability; amending s. 604.50, F.S.; redefining
30 the term "nonresidential farm building" for
31 purposes of an exemption from the Florida

1 Building Code; amending s. 627.0629, F.S.;
2 revising timeframe for rate filing for
3 residential property insurance; providing an
4 effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. (1) The Legislature directs the Florida
9 Building Commission to develop building code provisions that
10 may be added to the Florida Building Code to facilitate the
11 rehabilitation and use of existing structures. The commission
12 shall select from available national or international model
13 codes or the codes or code provisions adopted by another state
14 to form the foundation for the code provisions required by
15 this section.

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

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

28 (4) The commission shall report the activities
29 undertaken in response to the requirements of this section to
30 the Legislature on or before January 1, 2003, as a part of the
31 annual report required by s. 553.77(1)(b), Florida Statutes.

1 Recommended code provisions and the legislative changes
2 required for implementation shall be attached as appendices to
3 the annual report.

4 Section 2. Section 399.01, Florida Statutes, is
5 amended to read:

6 399.01 Definitions.--As used in this chapter, the
7 term:

8 (1) "Alteration" means any change or addition to the
9 vertical conveyance other than maintenance, repair, or
10 replacement.

11 ~~(2) "Certificate of competency" means a document~~
12 ~~issued by the division which evidences the competency of a~~
13 ~~person to construct, install, inspect, maintain, or repair any~~
14 ~~vertical conveyance.~~

15 (2)~~(3)~~ "Certificate of operation" means a document
16 issued by the department which indicates that the conveyance
17 has had the required safety inspection and tests and that fees
18 have been paid as provided in this chapter.

19 (3)~~(4)~~ "Conveyance" means an elevator, dumbwaiter,
20 escalator, moving sidewalk, platform lift, or ~~and~~ stairway
21 chairlift.

22 (4)~~(5)~~ "Department" means the Department of Business
23 and Professional Regulation.

24 (5)~~(6)~~ "Division" means the Division of Hotels and
25 Restaurants of the Department of Business and Professional
26 Regulation.

27 (6)~~(7)~~ "Elevator" means one of the following
28 mechanical devices:

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

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

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

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

10 (e) An inclined stairway chairlift, which is a device
11 used to transport physically handicapped persons over
12 architectural barriers.

13 (f) An inclined or vertical wheelchair lift, which is
14 a device used to transport wheelchair handicapped persons over
15 architectural barriers.

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

18 (7)~~(9)~~ "Existing installation" means an installation
19 defined as an "installation, existing" in the Florida Building
20 Code.

21 (8)~~(10)~~ "Elevator Safety Technical Advisory Committee"
22 means the committee appointed by the secretary of the
23 Department of Business and Professional Regulation.

24 (9)~~(11)~~ "Private residence" means a separate dwelling
25 or a separate apartment in a multiple dwelling which is
26 occupied by members of a single-family unit.

27 (10)~~(12)~~ "Service maintenance contract" means a
28 contract that provides for routine examination, lubrication,
29 cleaning, adjustment, replacement of parts, and performance of
30 applicable code-required safety tests such as on a traction
31 elevator and annual relief pressure test on a hydraulic

1 elevator and any other service, repair, and maintenance
2 sufficient to ensure the safe operation of the elevator. A
3 service maintenance contract shall be made available upon
4 request of the department for purposes of oversight and
5 monitoring.

6 (11)~~(13)~~ "Temporarily dormant conveyance" means a
7 conveyance whose power supply has been disconnected by
8 removing fuses and placing a padlock on the mainline
9 disconnect switch in the "OFF" position. The car is parked,
10 and the hoistway doors are in the closed and latched position.
11 A wire seal is installed on the mainline disconnect switch by
12 a certified ~~certificate of competency~~ elevator inspector. This
13 conveyance installation may not be used again until it has
14 been put in safe running order and is in condition for use.
15 Annual inspections shall continue for the duration of the
16 temporarily dormant status by a certified ~~certificate of~~
17 ~~competency~~ elevator inspector. The temporarily dormant status
18 is renewable on an annual basis and may not exceed a 5-year
19 period. The inspector shall file a report with the department
20 ~~chief elevator inspector~~ describing the current conditions.
21 The wire seal and padlock may not be removed for any purpose
22 without permission from the department ~~elevator inspector~~.

23 (12)~~(14)~~ "Temporary operation inspection permit" means
24 an inspection performed by a certified elevator inspector, the
25 successful passage of a document issued by the department
26 which permits the temporary use of a noncompliant vertical
27 conveyance as provided by rule.

28 (13)~~(15)~~ "Registered elevator company" means an entity
29 registered with and authorized by the division employing
30 persons to construct, install, inspect, maintain, or repair
31 any vertical conveyance. Each registered elevator company must

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

4 (14)~~(16)~~ "Certified elevator inspector" is a natural
5 person registered with and authorized by the division to
6 construct, install, inspect, maintain, or repair any vertical
7 conveyance, after having properly acquired the qualified
8 elevator inspector credential as prescribed by the American
9 Society of Mechanical Engineers. Each certified elevator
10 inspector must annually register with the division and provide
11 ~~from the National Association of Elevator Safety Authorities.~~
12 ~~Such person shall remain so authorized by the division only~~
13 ~~upon providing annual proof of completion of 8 hours of~~
14 ~~continuing education, proof that and the qualified elevator~~
15 ~~inspector credential remains in good standing, and proof of~~
16 ~~with the National Association of Elevator Safety Authorities.~~
17 ~~A licensed mechanical engineer whose license is in good~~
18 ~~standing may be authorized as a certified elevator inspector~~
19 ~~by the division. Each certified elevator inspector must~~
20 ~~annually register with the division and maintain general~~
21 ~~liability insurance coverage in the minimum amounts set by the~~
22 ~~division.~~

23 (15)~~(17)~~ "Certified elevator technician" means a
24 natural person authorized by the division to construct,
25 install, maintain, or repair any vertical conveyance, after
26 having been issued an elevator certificate of competency by
27 the division. Each certified elevator technician must annually
28 register with the division and be covered by ~~maintain~~ general
29 liability insurance coverage in the minimum amounts set by the
30 division.

31

1 ~~(16)(18)~~ "Elevator helper" means a natural person
2 performing work under the direct supervision of an elevator
3 certificate of competency holder ~~a certified elevator~~
4 ~~inspector or an elevator technician~~ to construct, install,
5 maintain, or repair any vertical conveyance.

6 ~~(17)(19)~~ "Elevator certificate of competency" means a
7 credential issued by the division to any individual natural
8 person successfully completing an examination as prescribed by
9 rule and paying a nonrefundable fee of \$50. Such credential
10 shall be valid for and expire at the end of 1 year, and may be
11 renewed by the division when the division receives proof of
12 the elevator certificate of competency holder's completion of
13 8 hours of continuing education from a provider approved by
14 the department and a nonrefundable renewal fee of \$50. The
15 department shall adopt by rule criteria for providing approval
16 and procedures for continuing education reporting.

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

19 1. Four years' work experience in the construction,
20 maintenance, service, and repair of conveyances covered by
21 this chapter. This experience shall be verified by current or
22 previously registered elevator companies as required by the
23 division.

24 2. One of the following:

25 a. Proof of completion and successful passage of a
26 written examination administered by the division or a provider
27 approved by the division under standards it adopted by rule.

28 b. Proof of completion of an apprenticeship program
29 for elevator mechanics which has standards substantially
30 equivalent to those found in a national training program for
31 elevator mechanics and is registered with the Bureau of

1 Apprenticeship and Training of the United States Department of
2 Labor or a state apprenticeship authority.

3 c. Proof of licensure or certification by a state or
4 local jurisdiction in the United States having standards
5 substantially equal to or more stringent than those of this
6 chapter.

7 (b) A licensed mechanical engineer whose license is in
8 good standing may be granted an elevator certificate of
9 competency.

10
11 All other building transportation terms are defined in the
12 current Florida Building Code.

13 Section 3. Subsections (1) and (5) of section 399.02,
14 Florida Statutes, are amended to read:

15 399.02 General requirements.--

16 (1) The Elevator Safety Technical Advisory Committee
17 shall develop and submit to the Director of Hotels and
18 Restaurants proposed ~~regarding~~ revisions to the elevator
19 safety code so that it is the same as or similar to the latest
20 editions ~~versions~~ of ASME A17.1, ASME A17.3, and ASME A18.1.

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

28 (b) The elevator owner is responsible for the safe
29 operation, and proper maintenance, and inspection and
30 correction of code deficiencies of the elevator after ~~it has~~
31 ~~been inspected and~~ a certificate of operation has been issued

1 by the department. The responsibilities of the elevator owner
2 may be assigned by lease.

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

18 Section 4. Section 399.03, Florida Statutes, is
19 amended to read:

20 399.03 Design, installation, and alteration of
21 conveyances.--

22 (1) A conveyance covered by this chapter may not be
23 erected, constructed, installed, or altered within buildings
24 or structures until unless a permit has been obtained from the
25 department ~~before the work is commenced~~. Permits must be
26 applied for by a registered elevator company and may only be
27 granted upon receipt and approval of an application to be made
28 on a form prescribed by the department, accompanied by proper
29 fees and a sworn statement from an agent of the registered
30 elevator company that the plans meet all applicable elevator
31 safety and building codes. Permits may be granted only to

1 registered elevator companies in good standing.When any
2 material alteration is made, the alteration device must
3 conform to applicable requirements of the Florida Building
4 Code and the provisions of this chapter ~~for the alteration.~~ A
5 ~~permit required hereunder may not be issued except to a~~
6 ~~person, firm, or corporation holding a current elevator~~
7 ~~contractor's license issued under this chapter.~~ A copy of the
8 permit and plans must be kept at the construction site at all
9 times while the work is in progress and until a certificate of
10 operation is issued.

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

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

14 (a) There are any false statements or
15 misrepresentations as to the material facts in the
16 application, plans, or specifications on which the permit was
17 based.

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

20 (c) The work detailed under the permit is not being
21 performed in accordance with the provisions of the
22 application, plans, or specifications or with the code or
23 conditions of the permit.

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

26 (4) A permit expires if:

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

31

1 (b) The work is suspended or abandoned for a period of
2 60 days, or such shorter period of time as the department may
3 specify at the time the permit is issued, after the work has
4 been started. For good cause, the department may allow a
5 discretionary extension for the foregoing period.

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

1 located in private residences are not required to obtain a
2 certificate of operation under this chapter.

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

10 (6)(7) At the department's request, and to facilitate
11 oversight and monitoring, the permitholder shall notify the
12 department of the scheduled final inspection date and time for
13 purposes of acquiring a certificate of inspection, in writing,
14 ~~at least 7 days before completion of the work and shall, in~~
15 ~~the presence of a licensed elevator inspector not associated~~
16 ~~with or employed by the installing company or contractor,~~
17 ~~subject the newly installed, relocated, or altered portions of~~
18 ~~the elevator to tests required to show that the elevator meets~~
19 ~~the applicable provisions of the Florida Building Code.~~

20 (7)(8) Each elevator shall comply with the edition of
21 the Florida Building Code or Elevator Safety Code that was in
22 effect at the time of receipt of application for the
23 construction permit for the elevator.

24 (8)(9) Each alteration to, or relocation of, an
25 elevator shall comply with the edition of the Florida Building
26 Code or Elevator Safety Code that was in effect at the time of
27 receipt of the application for the construction permit for the
28 alteration or relocation.

29 (9)(10) When any change is made in the classification
30 of an elevator, the elevator shall comply with all of the
31 requirements of the version of the Florida Building Code or

1 Elevator Safety Code that were in effect at the time of
2 receipt of the application for the construction permit for the
3 change in classification.

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

23 (b) Temporary use is authorized only when a
24 satisfactory temporary operation inspection report, completed
25 within the last 30 days by a certified elevator inspector, and
26 a notice prescribed by the department, bearing a statement
27 that the elevator has not been finally approved by a certified
28 elevator inspector, are conspicuously posted in the elevator.

29 Section 5. Section 399.049, Florida Statutes, is
30 amended to read:
31

1 399.049 Disciplinary action ~~Certificate of~~
2 ~~competency.--~~

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

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

15 (b) Fraud, misrepresentation, or bribery in the
16 practice of the profession ~~securing a license or certificate~~
17 ~~of competency.~~

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

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

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

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

1 399.061 Inspections; service maintenance contracts;
2 correction of deficiencies.--

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

19 (b) A statement verifying the existence and
20 performance of each service maintenance contract must be filed
21 at least annually with the division and as prescribed by rule.
22 Cancellation of a service maintenance contract must be
23 reported to the division as prescribed by rule.~~The division~~
24 ~~may inspect an elevator whenever necessary to ensure its safe~~
25 ~~operation or when a third-party inspection service is not~~
26 ~~available for a routine inspection.~~

27 (2) The division may employ state elevator inspectors
28 to inspect an elevator whenever necessary to ensure its safe
29 operation.~~The division may also employ state elevator~~
30 ~~inspectors to conduct any the inspections as required by this~~
31 ~~chapter subsection (1) and may charge a an inspection fee for~~

1 each inspection in an amount sufficient to cover the costs of
2 that inspection, as provided by rule, when a private certified
3 elevator inspector is not available. Each state elevator
4 inspector shall be properly qualified as a certified elevator
5 inspector ~~hold a certificate of competency issued by the~~
6 ~~division~~.

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

14 (4) When the division determines that an elevator is
15 in violation of this chapter or the Florida Building Code, the
16 division may issue an order to the elevator owner requiring
17 correction of the violation and reinspection of the elevator
18 evidencing the correction.

19 Section 7. Section 399.07, Florida Statutes, is
20 amended to read:

21 399.07 Certificates of operation; ~~temporary operation~~
22 ~~permits; fees.--~~

23 ~~(1)(a) A certificate of operation may not be issued~~
24 ~~until the elevator company supervisor signs an affidavit~~
25 ~~stating that the elevator company supervisor directly~~
26 ~~supervised construction or installation of the elevator.~~

27 (1)(b) The certificate of operation is valid for a
28 period not to exceed 2 years and shall expire at the end of
29 the period of 1 year unless sooner suspended or revoked. The
30 department may adopt rules establishing a procedure for
31 certificate renewal. Certificates of operation may be renewed

1 only for vertical conveyances having a current satisfactory
2 inspection. The owner of an elevator operating with an expired
3 certificate of operation is in violation of this chapter.
4 Certificate of operation renewal applications received by the
5 department after the date of expiration of the last current
6 certificate must be accompanied by a late fee of \$50 in
7 addition to the renewal fee and any other fees required by
8 law. The department shall adopt by rule a fee schedule for the
9 renewal of certificates of operation. The fees must be
10 deposited into the Hotel and Restaurant Trust Fund.~~The~~
11 ~~department shall by rule adopt a fee schedule for the renewal~~
12 ~~of certificates of operation. The renewal period commences on~~
13 ~~August 1 of each year.~~

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

17 ~~(d) The department shall charge an annual fee for~~
18 ~~issuance of a certificate of operation in an amount to be set~~
19 ~~by rule. However, a renewal application for a certificate of~~
20 ~~operation filed with the department after expiration date of~~
21 ~~the certificate must be accompanied by a delinquency fee of~~
22 ~~\$50 in addition to the annual renewal fee and any other fees~~
23 ~~required by law. The fees must be deposited into the Hotel and~~
24 ~~Restaurant Trust Fund.~~

25 ~~(2)(a) The department may issue a temporary operation~~
26 ~~permit authorizing the temporary use of an elevator during~~
27 ~~installation or alteration to an elevator company or general~~
28 ~~contractor acting as a general agent of an elevator company. A~~
29 ~~temporary operation permit may not be issued until the~~
30 ~~elevator has been inspected by a state elevator inspector and~~
31 ~~tested under contract load; the hoistway is fully enclosed;~~

1 ~~the hoistway doors and interlocks are installed; the car is~~
2 ~~completely enclosed, including door or gate and top; all~~
3 ~~electrical safety devices are installed and properly~~
4 ~~functioning; and terminal stopping equipment is in place for a~~
5 ~~safe runby and proper clearance. When a car is provided with a~~
6 ~~temporary enclosure, the operating means must be by constant~~
7 ~~pressure push button or lever type switch. The car may not~~
8 ~~exceed the minimum safe operating speed of the elevator, and~~
9 ~~the governor tripping speed must be set in accordance with the~~
10 ~~operating speed of the elevator.~~

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

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

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

22 (3) The certificate of operation shall contain the
23 text of s. 823.12, relating to the prohibition against smoking
24 in elevators.

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

29 (5) Except for ~~as authorized by a temporary use~~
30 authorized by this chapter ~~operation permit~~, the operation or
31 use of any newly installed, relocated, or altered elevator is

1 prohibited until the elevator has passed the tests and
2 inspections required by this chapter and a certificate of
3 operation has been issued.

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

11 Section 8. Section 399.105, Florida Statutes, is
12 amended to read:

13 399.105 Administrative fines.--

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

21 (2) Any person who commences the operation,
22 installation, relocation, or alteration of any elevator for
23 which a permit or certificate is required by this chapter
24 without having obtained from the department the permit or
25 certificate is subject to an administrative fine not greater
26 than \$1,000 in addition to any other penalty provided by law.
27 ~~No fine may be imposed under this subsection for commencing~~
28 ~~installation without a construction permit if such permit is~~
29 ~~issued within 60 days after the actual commencement of~~
30 ~~installation.~~

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

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

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

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

17 399.106 Elevator Safety Technical Advisory
18 Committee.--

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

23 Section 10. Section 399.125, Florida Statutes, is
24 amended to read:

25 399.125 Reporting of elevator accidents ~~or incidents~~;
26 penalties.--Within 5 working days after any accident ~~or~~
27 ~~incident~~ occurring in or upon any elevator, the certificate of
28 operation holder shall report the accident ~~or incident~~ to the
29 division on a form prescribed by the division. Failure to
30 timely file this report is a violation of this chapter and
31 will subject the certificate of operation holder to an

1 administrative fine, to be imposed by the division, in an
2 amount not to exceed \$1,000.

3 Section 11. Section 399.13, Florida Statutes, is
4 amended to read:

5 399.13 Delegation of authority to municipalities or
6 counties.--

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

26 (2) The department may make inspections of elevators
27 in such municipality or county for the purpose of determining
28 that the provisions of this chapter are being met and may
29 cancel the contract with any municipality or county which the
30 department finds has failed to comply with such contract or
31 the provisions of this chapter. The amendments to chapter 399

1 by this act shall apply only to the installation, relocation,
2 or alteration of an elevator for which a permit has been
3 issued after October 1, 1990.

4 Section 12. Subsection (1) of section 553.512, Florida
5 Statutes, is amended to read:

6 553.512 Modifications and waivers; advisory council.--

7 (1) The Florida Building Commission shall provide by
8 regulation criteria for granting individual modifications of,
9 or exceptions from, the literal requirements of this part upon
10 a determination of unnecessary, unreasonable, or extreme
11 hardship, provided such waivers shall not violate federal
12 accessibility laws and regulations and shall be reviewed by
13 the Accessibility Advisory Council. Notwithstanding any other
14 provision of this subsection, if an applicant for a waiver
15 demonstrates economic hardship in accordance with 28 C.F.R.
16 36.403(f)(1), a waiver shall be granted.The commission may
17 not consider waiving any of the requirements of s. 553.5041
18 unless the applicant first demonstrates that she or he has
19 applied for and been denied waiver or variance from all local
20 government zoning, subdivision regulations, or other
21 ordinances that prevent compliance therewith. Further, the
22 commission may not waive the requirement of s. 553.5041(5)(a)
23 and (c)1. governing the minimum width of accessible routes and
24 minimum width of accessible parking spaces.

25 Section 13. Paragraph (b) of subsection (4) of section
26 553.73, Florida Statutes, as amended by section 2 of chapter
27 2001-372, Laws of Florida, is amended to read:

28 553.73 Florida Building Code.--

29 (4)

30 (b) Local governments may, subject to the limitations
31 of this section, adopt amendments to the technical provisions

1 of the Florida Building Code which apply solely within the
2 jurisdiction of such government and which provide for more
3 stringent requirements than those specified in the Florida
4 Building Code, not more than once every 6 months. A local
5 government may adopt technical amendments that address local
6 needs if, provided:

7 1. The local governing body determines, following a
8 public hearing which has been advertised in a newspaper of
9 general circulation at least 10 days before the hearing, that
10 there is a need to strengthen the requirements of the Florida
11 Building Code. The determination must be based upon a review
12 of local conditions by the local governing body, which review
13 demonstrates by evidence or data that the geographical
14 jurisdiction governed by the local governing body exhibits a
15 local need to strengthen the Florida Building Code beyond the
16 needs or regional variation addressed by the Florida Building
17 Code, that the local need is addressed by the proposed local
18 amendment, and that the amendment is no more stringent than
19 necessary to address the local need that local conditions
20 ~~justify more stringent requirements than those specified in~~
21 ~~the Florida Building Code for the protection of life and~~
22 ~~property.~~

23 2. Such additional requirements are not discriminatory
24 against materials, products, or construction techniques of
25 demonstrated capabilities.

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

28 4. The enforcing agency shall make readily available,
29 in a usable format, all amendments adopted pursuant to this
30 section.

31

1 5. Any amendment to the Florida Building Code shall be
2 transmitted within 30 days by the adopting local government to
3 the commission. The commission shall maintain copies of all
4 such amendments in a format that is usable and obtainable by
5 the public. Local technical amendments shall not become
6 effective until 30 days after the amendment has been received
7 and published by the commission.

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

20 7. Each county and municipality desiring to make local
21 technical amendments to the Florida Building Code shall by
22 interlocal agreement establish a countywide compliance review
23 board to review any amendment to the Florida Building Code,
24 adopted by a local government within the county pursuant to
25 this paragraph, that is challenged by any substantially
26 affected party for purposes of determining the amendment's
27 compliance with this paragraph. If challenged, the local
28 technical amendments shall not become effective until time for
29 filing an appeal pursuant to subparagraph 8 has expired or, if
30 there is an appeal, until the commission issues its final
31

1 order determining the adopted amendment is in compliance with
2 this subsection.

3 8. If the compliance review board determines such
4 amendment is not in compliance with this paragraph, the
5 compliance review board shall notify such local government of
6 the noncompliance and that the amendment is invalid and
7 unenforceable until the local government corrects the
8 amendment to bring it into compliance. The local government
9 may appeal the decision of the compliance review board to the
10 ~~commission, which shall conduct a hearing under chapter 120~~
11 ~~and the uniform rules of procedure.~~ If the compliance review
12 board determines such amendment to be in compliance with this
13 paragraph, any substantially affected party may appeal such
14 determination to the commission, ~~which shall conduct a hearing~~
15 ~~under chapter 120 and the uniform rules of procedure.~~any such
16 appeal shall be filed with the commission within 14 days of
17 the board's written determination. The commission shall
18 promptly refer the appeal to the Division of Administrative
19 Hearings for the assignment of an administrative law judge.
20 The administrative law judge shall conduct the required
21 hearing within 30 days, and shall enter a recommended order
22 within 30 days of the conclusion of such hearing. The
23 commission shall enter a final order within 30 days
24 thereafter. The provisions of chapter 120 and the uniform
25 rules of procedure shall apply to such proceedings. The local
26 government adopting the amendment that is subject to challenge
27 has the burden of proving that the amendment complies with
28 this paragraph in proceedings before the compliance review
29 board and the commission, as applicable.Actions of the
30 commission are subject to judicial review pursuant to s.
31 120.68. The compliance review board shall determine whether

1 its decisions apply to a respective local jurisdiction or
2 apply countywide.

3 ~~9.8.~~ An amendment adopted under this paragraph shall
4 include a fiscal impact statement which documents the costs
5 and benefits of the proposed amendment. Criteria for the
6 fiscal impact statement shall include the impact to local
7 government relative to enforcement, the impact to property and
8 building owners, as well as to industry, relative to the cost
9 of compliance. The fiscal impact statement may not be used as
10 a basis for challenging the amendment for compliance.

11 ~~10.9.~~ In addition to subparagraphs 7. and ~~9.8.~~, the
12 commission may review any amendments adopted pursuant to this
13 subsection and make nonbinding recommendations related to
14 compliance of such amendments with this subsection.

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

17 553.74 Florida Building Commission.--

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

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

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

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

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

- 1 (e) One member from fire protection engineering or
2 technology who is actively engaged in the profession.
- 3 (f) One general contractor certified to do business in
4 this state and actively engaged in the profession.
- 5 (g) One plumbing contractor licensed to do business in
6 this state and actively engaged in the profession.
- 7 (h) One roofing or, ~~sheet metal, or air-conditioning~~
8 contractor certified to do business in this state and actively
9 engaged in the profession.
- 10 (i) One residential contractor licensed to do business
11 in this state and actively engaged in the profession.
- 12 (j) Three members who are municipal or district codes
13 enforcement officials, one of whom is also a fire official.
- 14 (k) One member who represents the Department of
15 Insurance.
- 16 (l) One member who is a county codes enforcement
17 official.
- 18 (m) One member of a Florida-based organization of
19 persons with disabilities or a nationally chartered
20 organization of persons with disabilities with chapters in
21 this state.
- 22 (n) One member of the manufactured buildings industry
23 who is licensed to do business in this state and is actively
24 engaged in the industry.
- 25 (o) One mechanical or electrical engineer registered
26 to practice in this state and actively engaged in the
27 profession.
- 28 (p) One member who is a representative of a
29 municipality or a charter county.

30
31

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

19 553.77 Specific powers of the commission.--

20 (7) The commission shall by rule establish an informal
21 process of rendering nonbinding interpretations of the Florida
22 Building Code. The commission is specifically authorized to
23 refer interpretive issues to organizations that represent
24 those engaged in the construction industry. The commission is
25 directed to immediately implement the process prior to the
26 completion of formal rulemaking. It is the intent of the
27 Legislature that the commission create a process to refer
28 questions to a small, rotating group of individuals licensed
29 under part XII of chapter 468, to which a party can pose
30 questions regarding the interpretation of code provisions. It
31 is the intent of the Legislature that the process provide for

1 the expeditious resolution of the issues presented and
2 publication of the resulting interpretation on the Building
3 Code Information System. Such interpretations are to be
4 advisory only and nonbinding on the parties or the commission.

5 Section 16. Effective October 1, 2002, section
6 553.791, Florida Statutes, is created to read:

7 553.791 Alternative plans review and inspection.--

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

9 (a) "Applicable codes" means the Florida Building Code
10 and any local technical amendments to the Florida Building
11 Code but does not include the applicable minimum fire
12 prevention and firesafety codes adopted pursuant to chapter
13 633.

14 (b) "Building" means any construction, erection,
15 alteration, demolition, or improvement of, or addition to, any
16 structure for which permitting by a local enforcement agency
17 is required.

18 (c) "Building code inspection services" means those
19 services described in s. 468.603(6) and (7) involving the
20 review of building plans to determine compliance with
21 applicable codes and those inspections required by law of each
22 phase of construction for which permitting by a local
23 enforcement agency is required to determine compliance with
24 applicable codes.

25 (d) "Duly authorized representative" means an agent of
26 the private provider identified in the permit application who
27 reviews plans or performs inspections as provided by this
28 section and who is licensed as an engineer under chapter 471
29 or as an architect under chapter 481 or who holds a standard
30 certificate under part XII of chapter 468.

31

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

9 (f) "Permit application" means a properly completed
10 and submitted application for:

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

19 (g) "Private provider" means a person licensed as an
20 engineer under chapter 471 or as an architect under chapter
21 481.

22 (h) "Request for certificate of occupancy or
23 certificate of completion" means a properly completed and
24 executed application for:

- 25 1. A certificate of occupancy or certificate of
26 completion.
- 27 2. A certificate of compliance from the private
28 provider required pursuant to subsection (10).
- 29 3. Any applicable fees.

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

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

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

26 (4) A fee owner using a private provider to provide
27 building code inspection services shall notify the local
28 building official at the time of permit application on a form
29 to be adopted by the commission. This notice shall include the
30 following information:

31

1 (a) The services to be performed by the private
2 provider.

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

12 (c) An acknowledgment from the fee owner in
13 substantially the following form:

14
15 I have elected to use one or more private
16 providers to provide building code plans review
17 and/or inspection services on the building that
18 is the subject of the enclosed permit
19 application, as authorized by s. 553.791,
20 Florida Statutes. I understand that the local
21 building official may not review the plans
22 submitted or perform the required building
23 inspections to determine compliance with the
24 applicable codes, except to the extent
25 specified in said law. Instead, plans review
26 and/or required building inspections will be
27 performed by licensed or certified personnel
28 identified in the application. The law
29 requires minimum insurance requirements for
30 such personnel, but I understand that I may
31 require more insurance to protect my interests.

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

14
15 If the fee owner makes any changes to the listed private
16 providers or the services to be provided by those private
17 providers, the fee owner shall, within 1 business day after
18 any change, update the notice to reflect such changes.

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

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

30 (b) The plans comply with the applicable codes.

31

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

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

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

30 (d) If the local building official provides a second
31 written notice of plan deficiencies to the permit applicant

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

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

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

29 (9) Upon completing the required inspections at each
30 applicable phase of construction, the private provider shall
31 record such inspections on a form acceptable to the local

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

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

24
25 To the best of my knowledge and belief, the
26 building components and site improvements
27 outlined herein and inspected under my
28 authority have been completed in conformance
29 with the approved plans and the applicable
30 codes.
31

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

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

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

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

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

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

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

29 (15) A private provider may perform building code
30 inspection services under this section only if the private
31 provider maintains insurance for professional and

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

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

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

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

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

29 604.50 Nonresidential farm buildings.--Notwithstanding
30 any other law to the contrary, any nonresidential farm
31 ~~building located on a farm~~ is exempt from the Florida Building

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

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

12 627.0629 Residential property insurance; rate
13 filings.--

14 (1) Effective June 1, 2002, a rate filing for
15 residential property insurance must include actuarially
16 reasonable discounts, credits, or other rate differentials, or
17 appropriate reductions in deductibles, for properties on which
18 fixtures or construction techniques demonstrated to reduce the
19 amount of loss in a windstorm have been installed or
20 implemented. The fixtures or construction techniques shall
21 include, but not be limited to, fixtures or construction
22 techniques which enhance roof strength, roof covering
23 performance, roof-to-wall strength,
24 wall-to-floor-to-foundation strength, opening protection, and
25 window, door, and skylight strength. Credits, discounts, or
26 other rate differentials for fixtures and construction
27 techniques which meet the minimum requirements of the Florida
28 Building Code must be included in the rate filing. All
29 insurance companies must make a rate filing which includes the
30 credits, discounts, or other rate differentials by February
31 28, 2003.

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