

Bill No. CS for CS for SB 2078

Amendment No. Barcode 051038

Senate CHAMBER ACTION House

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Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)
Delete 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

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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. Subsection (1) of section 235.061, Florida
14 Statutes, is amended to read:

15 235.061 Standards for relocatables used as classroom
16 space; inspections.--

17 (1) The Commissioner of Education shall adopt rules
18 establishing standards for relocatables intended for long-term
19 use as classroom space at a public elementary school, middle
20 school, or high school. "Long-term use" means the use of
21 relocatables at the same educational plant for a period of 4
22 years or more. These rules must be implemented by July 1,
23 1998, and each relocatable acquired by a district school board
24 after the effective date of the rules and intended for
25 long-term use must comply with the standards. The rules shall
26 require that, by July 1, 2002, relocatables that fail to meet
27 the standards may not be used as classrooms. After that date,
28 all relocatables purchased, leased, or otherwise acquired by a
29 public school district for use as classroom space shall be
30 type IV non-combustible construction. A school district in
31 possession of type VI portables, which are being used as

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1 classroom space, may retain those portables within the
2 district whether owned by the district or under a current or
3 renewable lease, subject to the provisions of s. 235.062.The
4 standards shall protect the health, safety, and welfare of
5 occupants by requiring compliance with the Uniform Building
6 Code for Public Educational Facilities or other locally
7 adopted state minimum building codes to ensure the safety and
8 stability of construction and onsite installation; fire and
9 moisture protection; air quality and ventilation; appropriate
10 wind resistance; and compliance with the requirements of the
11 Americans with Disabilities Act of 1990. If appropriate, the
12 standards must also require relocatables to provide access to
13 the same technologies available to similar classrooms within
14 the main school facility and, if appropriate, to be accessible
15 by adequate covered walkways. By July 1, 2000, the
16 commissioner shall adopt standards for all relocatables
17 intended for long-term use as classrooms. A relocatable that
18 is subject to this section and does not meet the standards
19 shall not be reported as providing satisfactory student
20 stations in the Florida Inventory of School Houses.

21 Section 3. Section 399.01, Florida Statutes, is
22 amended to read:

23 399.01 Definitions.--As used in this chapter, the
24 term:

25 (1) "Alteration" means any change or addition to the
26 vertical conveyance other than maintenance, repair, or
27 replacement.

28 ~~(2) "Certificate of competency" means a document~~
29 ~~issued by the division which evidences the competency of a~~
30 ~~person to construct, install, inspect, maintain, or repair any~~
31 ~~vertical conveyance.~~

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1 ~~(2)~~~~(3)~~ "Certificate of operation" means a document
2 issued by the department which indicates that the conveyance
3 has had the required safety inspection and tests and that fees
4 have been paid as provided in this chapter.

5 ~~(3)~~~~(4)~~ "Conveyance" means an elevator, dumbwaiter,
6 escalator, moving sidewalk, platform lift, or ~~and~~ stairway
7 chairlift.

8 ~~(4)~~~~(5)~~ "Department" means the Department of Business
9 and Professional Regulation.

10 ~~(5)~~~~(6)~~ "Division" means the Division of Hotels and
11 Restaurants of the Department of Business and Professional
12 Regulation.

13 ~~(6)~~~~(7)~~ "Elevator" means one of the following
14 mechanical devices:

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

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

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

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

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

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

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1 architectural barriers.

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

4 (7)~~(9)~~ "Existing installation" means an installation
5 defined as an "installation, existing" in the Florida Building
6 Code.

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

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

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

23 (11)~~(13)~~ "Temporarily dormant conveyance" means a
24 conveyance whose power supply has been disconnected by
25 removing fuses and placing a padlock on the mainline
26 disconnect switch in the "OFF" position. The car is parked,
27 and the hoistway doors are in the closed and latched position.
28 A wire seal is installed on the mainline disconnect switch by
29 a certified ~~certificate of competency~~ elevator inspector. This
30 conveyance installation may not be used again until it has
31 been put in safe running order and is in condition for use.

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1 Annual inspections shall continue for the duration of the
2 temporarily dormant status by a certified ~~certificate of~~
3 ~~competency~~ elevator inspector. The temporarily dormant status
4 is renewable on an annual basis and may not exceed a 5-year
5 period. The inspector shall file a report with the department
6 ~~chief elevator inspector~~ describing the current conditions.
7 The wire seal and padlock may not be removed for any purpose
8 without permission from the department ~~elevator inspector~~.
9 (12)(14) "Temporary operation inspection permit" means
10 an inspection performed by a certified elevator inspector, the
11 successful passage of a document issued by the department
12 which permits the temporary use of a noncompliant vertical
13 conveyance as provided by rule.
14 (13)(15) "Registered elevator company" means an entity
15 registered with and authorized by the division employing
16 persons to construct, install, inspect, maintain, or repair
17 any vertical conveyance. Each registered elevator company must
18 annually register with the division and maintain general
19 liability insurance coverage in the minimum amounts set by
20 rule ~~the division~~.
21 (14)(16) "Certified elevator inspector" is a natural
22 person registered with and authorized by the division to
23 construct, install, inspect, maintain, or repair any vertical
24 conveyance, after having properly acquired the qualified
25 elevator inspector credential as prescribed by the American
26 Society of Mechanical Engineers. Each certified elevator
27 inspector must annually register with the division and provide
28 ~~from the National Association of Elevator Safety Authorities.~~
29 ~~Such person shall remain so authorized by the division only~~
30 ~~upon providing annual proof of completion of 8 hours of~~
31 continuing education, proof that ~~and~~ the qualified elevator

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1 inspector credential remains in good standing, and proof of
2 ~~with the National Association of Elevator Safety Authorities.~~
3 ~~A licensed mechanical engineer whose license is in good~~
4 ~~standing may be authorized as a certified elevator inspector~~
5 ~~by the division. Each certified elevator inspector must~~
6 ~~annually register with the division and maintain~~ general
7 liability insurance coverage in the minimum amounts set by the
8 division.

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

17 (16)~~(18)~~ "Elevator helper" means a natural person
18 performing work under the direct supervision of an elevator
19 certificate of competency holder ~~a certified elevator~~
20 ~~inspector or an elevator technician~~ to construct, install,
21 maintain, or repair any vertical conveyance.

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

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1 and procedures for continuing education reporting.
2 (a) An elevator certificate of competency may be
3 issued only if the applicant meets the following requirements:
4 1. Four years' work experience in the construction,
5 maintenance, service, and repair of conveyances covered by
6 this chapter. This experience shall be verified by current or
7 previously registered elevator companies as required by the
8 division.
9 2. One of the following:
10 a. Proof of completion and successful passage of a
11 written examination administered by the division or a provider
12 approved by the division under standards it adopted by rule.
13 b. Proof of completion of an apprenticeship program
14 for elevator mechanics which has standards substantially
15 equivalent to those found in a national training program for
16 elevator mechanics and is registered with the Bureau of
17 Apprenticeship and Training of the United States Department of
18 Labor or a state apprenticeship authority.
19 c. Proof of licensure or certification by a state or
20 local jurisdiction in the United States having standards
21 substantially equal to or more stringent than those of this
22 chapter.
23 (b) A licensed mechanical engineer whose license is in
24 good standing may be granted an elevator certificate of
25 competency.

26
27 All other building transportation terms are defined in the
28 current Florida Building Code.

29 Section 4. Subsections (1) and (5) of section 399.02,
30 Florida Statutes, are amended to read:

31 399.02 General requirements.--

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

6 (5)(a) The construction permitholder is responsible
7 for the correction of violations and deficiencies until the
8 elevator has been inspected and a certificate of operation has
9 been issued by the department. The construction permitholder
10 is responsible for all tests of new and altered equipment
11 until the elevator has been inspected and a certificate of
12 operation has been issued by the department.

13 (b) The elevator owner is responsible for the safe
14 operation, and proper maintenance, and inspection and
15 correction of code deficiencies of the elevator after ~~it has~~
16 ~~been inspected and~~ a certificate of operation has been issued
17 by the department. The responsibilities of the elevator owner
18 may be assigned by lease.

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

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1 ~~maintenance contract and its implementation ensure the safe~~
2 ~~operation of the elevator.~~

3 Section 5. Section 399.03, Florida Statutes, is
4 amended to read:

5 399.03 Design, installation, and alteration of
6 conveyances.--

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

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

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

30 (a) There are any false statements or
31 misrepresentations as to the material facts in the

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1 application, plans, or specifications on which the permit was
2 based.

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

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

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

11 (4) A permit expires if:

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

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

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

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

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

25 (6)(7) At the department's request, and to facilitate
26 oversight and monitoring, the permitholder shall notify the
27 department of the scheduled final inspection date and time for
28 purposes of acquiring a certificate of inspection, in writing,
29 at least 7 days before completion of the work and shall, in
30 the presence of a licensed elevator inspector not associated
31 with or employed by the installing company or contractor,

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1 ~~subject the newly installed, relocated, or altered portions of~~
2 ~~the elevator to tests required to show that the elevator meets~~
3 ~~the applicable provisions of the Florida Building Code.~~

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

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

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

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

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

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

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

15 399.049 Disciplinary action ~~Certificate of~~
16 ~~competency.~~--

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

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

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

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1 (c) Failure by a certified elevator inspector to
2 provide to notify the department and the certificate of
3 operation holder with a copy of the inspection report within 5
4 days after the date of any inspection performed after the
5 initial certificate of operation is issued of a conveyance
6 covered by this chapter that is not in compliance with the
7 provisions of the elevator safety code incorporated into the
8 Florida Building Code.

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

10 (2) ~~DISCIPLINARY ACTION.~~Any disciplinary action
11 taken under this chapter must comply with chapter 120 and any
12 rules adopted thereunder.

13 Section 7. Section 399.061, Florida Statutes, is
14 amended to read:

15 399.061 Inspections; service maintenance contracts;
16 correction of deficiencies.--

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

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1 ~~division as prescribed by rule.~~

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

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

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

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

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1 evidencing the correction.

2 Section 8. Section 399.07, Florida Statutes, is
3 amended to read:

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

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

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

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

31 ~~(d) The department shall charge an annual fee for~~

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

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

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

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

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

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

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

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

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

25 Section 9. Section 399.105, Florida Statutes, is
26 amended to read:

27 399.105 Administrative fines.--

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

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

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

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

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

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

28 Section 10. Subsection (2) of section 399.106, Florida
29 Statutes, is amended to read:

30 399.106 Elevator Safety Technical Advisory
31 Committee.--

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

5 Section 11. Section 399.125, Florida Statutes, is
6 amended to read:

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

16 Section 12. Section 399.13, Florida Statutes, is
17 amended to read:

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

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

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

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

17 Section 13. Subsection (1) of section 471.025, Florida
18 Statutes, is amended to read:

19 471.025 Seals.--

20 (1) The board shall prescribe, by rule, a form of seal
21 to be used by registrants holding valid certificates of
22 registration. Each registrant shall obtain an impression-type
23 metal seal in the form aforesaid and may, in addition,
24 register his or her seal electronically in accordance with ss.
25 668.001-668.006. All final drawings, specifications, plans,
26 reports, or documents prepared or issued by the registrant and
27 being filed for public record and all final bid documents
28 provided to the owner or the owner's representative shall be
29 signed by the registrant, dated, and stamped with said seal.
30 Such signature, date, and seal shall be evidence of the
31 authenticity of that to which they are affixed. Drawings,

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1 specifications, plans, reports, final bid documents, or
2 documents prepared or issued by a registrant may be
3 transmitted electronically and may be signed by the
4 registrant, dated, and stamped electronically with said seal
5 in accordance with ss. 668.001-668.006. A truss placement plan
6 is not required to be signed and sealed.

7 Section 14. Subsection (1) of section 553.512, Florida
8 Statutes, is amended to read:

9 553.512 Modifications and waivers; advisory council.--

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

28 Section 15. Paragraph (b) of subsection (4) and
29 paragraph (e) of subsection (8) of section 553.73, Florida
30 Statutes, as amended by section 2 of chapter 2001-372, Laws of
31 Florida, is amended to read:

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1 553.73 Florida Building Code.--

2 (4)

3 (b) Local governments may, subject to the limitations
4 of this section, adopt amendments to the technical provisions
5 of the Florida Building Code which apply solely within the
6 jurisdiction of such government and which provide for more
7 stringent requirements than those specified in the Florida
8 Building Code, not more than once every 6 months. A local
9 government may adopt technical amendments that address local
10 needs if, provided:

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

27 2. Such additional requirements are not discriminatory
28 against materials, products, or construction techniques of
29 demonstrated capabilities.

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

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1 4. The enforcing agency shall make readily available,
2 in a usable format, all amendments adopted pursuant to this
3 section.

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

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

23 7. Each county and municipality desiring to make local
24 technical amendments to the Florida Building Code shall by
25 interlocal agreement establish a countywide compliance review
26 board to review any amendment to the Florida Building Code,
27 adopted by a local government within the county pursuant to
28 this paragraph, that is challenged by any substantially
29 affected party for purposes of determining the amendment's
30 compliance with this paragraph. If challenged, the local
31 technical amendments shall not become effective until time for

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1 filing an appeal pursuant to subparagraph 8 has expired or, if
2 there is an appeal, until the commission issues its final
3 order determining the adopted amendment is in compliance with
4 this subsection.

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

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

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

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

17 (8) The following buildings, structures, and
18 facilities are exempt from the Florida Building Code as
19 provided by law, and any further exemptions shall be as
20 determined by the Legislature and provided by law:

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

25
26 With the exception of paragraphs (a), (b), (c), and (f), in
27 order to preserve the health, safety, and welfare of the
28 public, the Florida Building Commission may, by rule adopted
29 pursuant to chapter 120, provide for exceptions to the broad
30 categories of buildings exempted in this section, including
31 exceptions for application of specific sections of the code or

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1 standards adopted therein. The Department of Agriculture and
2 Consumer Services shall have exclusive authority to adopt by
3 rule, pursuant to chapter 120, exceptions to nonresidential
4 farm buildings exempted in paragraph (c) when reasonably
5 necessary to preserve public health, safety, and welfare. The
6 exceptions must be based upon specific criteria, such as
7 under-roof floor area, aggregate electrical service capacity,
8 HVAC system capacity, or other building requirements. Further,
9 the commission may recommend to the Legislature additional
10 categories of buildings, structures, or facilities which
11 should be exempted from the Florida Building Code, to be
12 provided by law.

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

15 553.74 Florida Building Commission.--

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

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

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

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

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

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

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

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1 owners and managers industry who is actively engaged in
2 commercial building ownership or management.

3 (s) One member who is a representative of the
4 insurance industry.

5 (t) One member who is a representative of public
6 education.

7 (u) One member who shall be the chair.
8

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

13 Section 17. Subsection (7) is added to section 553.77,
14 Florida Statutes, to read:

15 553.77 Specific powers of the commission.--

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

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1 Section 18. Effective October 1, 2002, section
2 553.791, Florida Statutes, is created to read:

3 553.791 Alternative plans review and inspection.--

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

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

10 (b) "Building" means any construction, erection,
11 alteration, demolition, or improvement of, or addition to, any
12 structure for which permitting by a local enforcement agency
13 is required.

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

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

27 (e) "Local building official" means the individual
28 within the governing jurisdiction responsible for direct
29 regulatory administration or supervision of plans review,
30 enforcement, and inspection of any construction, erection,
31 alteration, demolition, or substantial improvement of, or

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1 addition to, any structure for which permitting is required to
2 indicate compliance with applicable codes and includes any
3 duly authorized designee of such person.

4 (f) "Permit application" means a properly completed
5 and submitted application for:

6 1. The requested building or construction permit.

7 2. The plans reviewed by the private provider.

8 3. The affidavit from the private provider required
9 pursuant to subsection (5).

10 4. Any applicable fees.

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

14 (g) "Private provider" means a person licensed as an
15 engineer under chapter 471 or as an architect under chapter
16 481. For purposes of performing inspections under this
17 section, the term "private provider" also includes a person
18 who holds a standard certificate under part XII of chapter
19 468.

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

23 1. A certificate of occupancy or certificate of
24 completion.

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

27 3. Any applicable fees.

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

31 (2) Notwithstanding any other provision of law, the

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

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

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

27 (a) The services to be performed by the private
28 provider.

29 (b) The name, firm, address, telephone number, and
30 facsimile number of each private provider who is performing or
31 will perform such services, his or her professional license or

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1 certification number, qualification statements or resumes,
2 and, if required by the local building official, a certificate
3 of insurance demonstrating that professional liability
4 insurance coverage is in place for the private provider's
5 firm, the private provider, and any duly authorized
6 representative in the amounts required by this section.

7 (c) An acknowledgment from the fee owner in
8 substantially the following form:

9
10 I have elected to use one or more private
11 providers to provide building code plans review
12 and/or inspection services on the building that
13 is the subject of the enclosed permit
14 application, as authorized by s. 553.791,
15 Florida Statutes. I understand that the local
16 building official may not review the plans
17 submitted or perform the required building
18 inspections to determine compliance with the
19 applicable codes, except to the extent
20 specified in said law. Instead, plans review
21 and/or required building inspections will be
22 performed by licensed or certified personnel
23 identified in the application. The law
24 requires minimum insurance requirements for
25 such personnel, but I understand that I may
26 require more insurance to protect my interests.
27 By executing this form, I acknowledge that I
28 have made inquiry regarding the competence of
29 the licensed or certified personnel and the
30 level of their insurance and am satisfied that
31 my interests are adequately protected. I agree

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1 to indemnify, defend, and hold harmless the
2 local government, the local building official,
3 and their building code enforcement personnel
4 from any and all claims arising from my use of
5 these licensed or certified personnel to
6 perform building code inspection services with
7 respect to the building that is the subject of
8 the enclosed permit application.

9
10 If the fee owner makes any changes to the listed private
11 providers or the services to be provided by those private
12 providers, the fee owner shall, within 1 business day after
13 any change, update the notice to reflect such changes.

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

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

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

26 (6)(a) Within 30 business days after receipt of a
27 permit application, the local building official shall issue
28 the requested permit or provide a written notice to the permit
29 applicant identifying the specific plan features that do not
30 comply with the applicable codes, as well as the specific code
31 chapters and sections. If the local building official does

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1 not provide a written notice of the plan deficiencies within
2 the prescribed 30-day period, the permit application shall be
3 deemed approved as a matter of law and the permit shall be
4 issued by the local building official on the next business
5 day.

6 (b) If the local building official provides a written
7 notice of plan deficiencies to the permit applicant within the
8 prescribed 30-day period, the 30-day period shall be tolled
9 pending resolution of the matter. To resolve the plan
10 deficiencies, the permit applicant may elect to dispute the
11 deficiencies pursuant to subsection (12) or to submit
12 revisions to correct the deficiencies.

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

24 (d) If the local building official provides a second
25 written notice of plan deficiencies to the permit applicant
26 within the prescribed time period, the permit applicant may
27 elect to dispute the deficiencies pursuant to subsection (12)
28 or to submit additional revisions to correct the deficiencies.
29 For all revisions submitted after the first revision, the
30 local building official has an additional 5 business days to
31 issue the requested permit or to provide a written notice to

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1 the permit applicant stating which of the previously
2 identified plan features remain in noncompliance with the
3 applicable codes, with specific reference to the relevant code
4 chapters and sections.

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

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

23 (9) Upon completing the required inspections at each
24 applicable phase of construction, the private provider shall
25 record such inspections on a form acceptable to the local
26 building official. These inspection records shall reflect
27 those inspections required by the applicable codes of each
28 phase of construction for which permitting by a local
29 enforcement agency is required. The private provider, before
30 leaving the project site, shall post each completed inspection
31 record, indicating pass or fail, at the site and provide the

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1 record to the local building official within 2 business days.
2 Records of all required and completed inspections shall be
3 maintained at the building site at all times and made
4 available for review by the local building official. The
5 private provider shall report to the local enforcement agency
6 any condition that poses an immediate threat to public safety
7 and welfare.

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

18
19 To the best of my knowledge and belief, the
20 building components and site improvements
21 outlined herein and inspected under my
22 authority have been completed in conformance
23 with the approved plans and the applicable
24 codes.

25
26 (11) Within 2 business days after receipt of a request
27 for a certificate of occupancy or certificate of completion
28 and the applicant's presentation of a certificate of
29 compliance and approval of all other government approvals
30 required by law, the local building official shall issue the
31 certificate of occupancy or certificate of completion or

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1 provide a notice to the applicant identifying the specific
2 deficiencies, as well as the specific code chapters and
3 sections. If the local building official does not provide
4 notice of the deficiencies within the prescribed 2-day period,
5 the request for a certificate of occupancy or certificate of
6 completion shall be deemed granted and the certificate of
7 occupancy or certificate of completion shall be issued by the
8 local building official on the next business day. To resolve
9 any identified deficiencies, the applicant may elect to
10 dispute the deficiencies pursuant to subsection (12) or to
11 submit a corrected request for a certificate of occupancy or
12 certificate of completion.

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

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

26 (b) If the local building official and private
27 provider are unable to resolve the dispute, the matter shall
28 be referred to the local enforcement agency's board of
29 appeals, if one exists, which shall consider the matter at its
30 next scheduled meeting or sooner. Any decisions by the local
31 enforcement agency's board of appeals, or local building

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1 official if there is no board of appeals, may be appealed to
2 the commission pursuant to s. 553.77(1)(h).

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

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

19 (14) No local enforcement agency, local building
20 official, or local government may adopt or enforce any laws,
21 rules, procedures, or standards more stringent than those
22 prescribed by this section.

23 (15) A private provider may perform building code
24 inspection services under this section only if the private
25 provider maintains insurance for professional and
26 comprehensive general liability with minimum policy limits of
27 \$1 million per occurrence relating to all services performed
28 as a private provider, including tail coverage for a minimum
29 of 5 years subsequent to the performance of building code
30 inspection services.

31 (16) When performing building code inspection

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

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

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

21 (19) The Florida Building Commission shall report on
22 the implementation of this section to the Legislature on or
23 before January 1, 2004, as part of the report required by s.
24 553.77(1)(b).

25 Section 19. Paragraph (a) of subsection (6) of section
26 553.842, Florida Statutes, is amended to read:

27 553.842 Product evaluation and approval.--

28 (6) Statewide or local approval of products, methods,
29 or systems of construction may be achieved by one of the
30 following methods. One of these methods must be used by local
31 officials or the commission to approve the following

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1 categories of products: panel walls, exterior doors, roofing,
2 skylights, windows, shutters, and structural components as
3 established by the commission by rule.

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

- 13 1. A certification mark or listing of an approved
14 certification agency;
- 15 2. A test report from an approved testing laboratory;
- 16 3. A product evaluation report based upon testing or
17 comparative or rational analysis, or a combination thereof,
18 from an approved product evaluation entity; or
- 19 4. A product evaluation report based upon testing or
20 comparative or rational analysis, or a combination thereof,
21 developed and signed and sealed by a professional engineer or
22 architect, licensed in this state.

23
24 A product evaluation report or a certification mark or listing
25 of an approved certification agency which demonstrates that
26 the product or method or system of construction complies with
27 the Florida Building Code for the purpose intended shall be
28 equivalent to a test report and test procedure as referenced
29 in the Florida Building Code.

30 Section 20. Section 604.50, Florida Statutes, is
31 amended to read:

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1 604.50 Nonresidential farm buildings.--Notwithstanding
2 any other law to the contrary, any nonresidential farm
3 building ~~located on a farm~~ is exempt from the Florida Building
4 Code and any county or municipal building code. For purposes
5 of this section, the term "nonresidential farm building" means
6 any building or support structure that is used for
7 agricultural purposes, is located on a farm that is not used
8 as a residential dwelling, and is located on land that is an
9 integral part of a farm operation or is classified as
10 agricultural land under s. 193.461. The term "farm" is as
11 defined in s. 823.14.

12 Section 21. Subsection (1) of section 627.0629,
13 Florida Statutes, as amended by chapter 2001-372, Laws of
14 Florida, is amended to read:

15 627.0629 Residential property insurance; rate
16 filings.--

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

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1 insurance companies must make a rate filing which includes the
2 credits, discounts, or other rate differentials by February
3 28, 2003.

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

6
7

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

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11
12

and insert:

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A bill to be entitled

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An act relating to building code development
and administration; requiring the Florida
Building Commission to develop building code
provisions to facilitate the rehabilitation and
use of existing structures; requiring the
commission to identify legislative changes
required to implement code provisions;
requiring a report to the Legislature; amending
s. 235.061, F.S.; providing requirements with
respect to relocatables used by a public school
district; amending s. 399.01, F.S.; revising
and removing definitions; requiring that
elevator service maintenance contracts be made
available to the Department of Business and
Professional Regulation upon request for
oversight purposes; revising qualifications for
an elevator certificate of competency; amending
s. 399.02, F.S.; providing that each elevator

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1 owner is responsible for inspections and
2 correction of code deficiencies; eliminating a
3 requirement that the department review service
4 maintenance contracts and determine whether
5 they ensure safe operation; amending s. 399.03,
6 F.S.; revising requirements relating to the
7 design, installation, and alteration of
8 conveyances; providing additional requirements
9 for issuance of elevator permits; revising
10 reporting requirements; providing requirements
11 for temporary operation inspections; amending
12 s. 399.049, F.S.; revising grounds for
13 suspension or revocation of certification or
14 registration; amending s. 399.061, F.S. ;
15 eliminating the requirement that annual
16 inspections be conducted through third-party
17 inspection services; revising reporting
18 requirements relating to service maintenance
19 contracts; revising requirements relating to
20 the correction of violations; amending s.
21 399.07, F.S.; extending the period of validity
22 of certificates of operation from 1 to 2 years;
23 revising fee provisions to conform; amending s.
24 399.105, F.S.; providing administrative fines
25 for violations relating to reporting, operating
26 a sealed elevator, and complying with
27 correction orders; eliminating a restriction on
28 the issuance of an administrative fine relating
29 to commencing installation without a
30 construction permit; amending s. 399.106, F.S. ;
31 correcting a reference; amending s. 399.125,

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1 F.S.; eliminating the requirement to report
2 elevator incidents; amending s. 399.13, F.S.;
3 allowing municipalities or counties that assume
4 elevator inspection duties to hire private
5 inspectors to conduct inspections; amending s.
6 471.025, F.S.; exempting truss placement plans
7 from sign and seal requirements; amending s.
8 553.512, F.S.; requiring the granting of a
9 waiver of certain requirements for
10 accessibility purposes under certain
11 circumstances; amending s. 553.73, F.S.;
12 revising provisions governing local government
13 amendments to the technical provisions of the
14 Florida Building Code; exempting modular
15 structures from the code; amending s. 553.74,
16 F.S.; revising eligibility for membership on
17 the Florida Building Commission; amending s.
18 553.77, F.S.; providing additional specific
19 powers, duties, and requirements of the
20 commission; providing legislative intent;
21 amending s. 553.791, F.S.; providing
22 alternative procedures for building plans
23 review and inspection; providing definitions;
24 authorizing use of a private provider to review
25 plans and make building code inspections under
26 certain circumstances; providing a limitation;
27 requiring notice to the local building
28 official; specifying notice information;
29 specifying requirements, duties, and
30 responsibilities of a private provider;
31 providing for a certificate of compliance;

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1 providing duties of the local building
2 official; providing procedures for approval or
3 denial of a certificate of compliance or a
4 building permit; prohibiting local entities
5 from adopting or enforcing certain laws, rules,
6 procedures, or standards; requiring a private
7 provider to maintain certain insurance;
8 subjecting private providers to certain
9 disciplinary provisions; limiting use of a
10 private provider under certain circumstances;
11 requiring local building code enforcement
12 agencies to develop and maintain a process to
13 audit the performance of building code
14 inspection services; providing immunity from
15 liability; requiring a report; amending s.
16 553.842, F.S.; providing certain equivalency
17 with respect to product evaluation and approval
18 under the Florida Building Code; amending s.
19 604.50, F.S.; redefining the term
20 "nonresidential farm building" for purposes of
21 an exemption from the Florida Building Code;
22 amending s. 627.0629, F.S.; revising timeframe
23 for rate filing for residential property
24 insurance; providing effective dates.

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