

Committee Substitute for  
Committee Substitute for Senate Bill Nos. 336 and 190

An act relating to the Florida Building Code; amending s. 235.061, F.S.; delaying the date by which relocatables used as classrooms must meet certain standards; amending s. 235.212, F.S.; specifying certain low-energy window standards for relocatable classrooms; amending s. 255.31, F.S.; exempting certain facilities from plans reviews and inspections by local governments; amending s. 373.323, F.S.; authorizing water well contractors to install, repair, or modify specified equipment in accordance with the code; creating s. 399.001, F.S.; creating the "Elevator Safety Act"; amending s. 399.01, F.S.; defining terms; amending ss. 399.02, 399.03, F.S.; providing regulatory standards for elevators and similar conveyances; providing for permits for construction or alteration of elevators and similar conveyances; creating s. 399.049, F.S.; providing for licenses and certificates of competency; providing for disciplinary action; amending s. 399.061, F.S.; providing for annual inspections and fees; amending ss. 399.07, 399.10, 399.105, F.S.; revising administrative fines and fee-setting procedures; conforming provisions; creating s. 399.106, F.S.; creating the Elevator Safety Technical Advisory Committee; providing for its membership and authority; amending s. 399.11, 399.125, 399.13, F.S.; conforming provisions; repealing s. 399.045, F.S., which provides for a certificate of competency; repealing s. 399.05, F.S., which provides for construction permits; amending s. 489.509, F.S.; transferring specified licensing fees from the Department of Education to the Department of Community Affairs; amending s. 489.537, F.S.; revising the power of municipalities and counties with respect to regulating electrical journeymen; amending ss. 553.36, 553.415, F.S.; defining the term "factory-built school shelter"; providing for the department to approve plans for such shelters; authorizing districts to charge inspection fees; authorizing approved inspection entities to conduct inspections of factory-built school buildings while they are under construction; delaying the date for inclusion of the Uniform Code for Public Education Facilities in the Florida Building Code; delaying the deadline for inspecting factory-built buildings currently in use; amending ss. 553.505, 553.507, F.S.; conforming cross-references; amending s. 553.73, F.S.; providing for the uniform implementation of parts of the residential swimming pool safety act; providing a process for the approval of technical amendments to the code; providing for the treatment of permit applications submitted prior to the effective date of the code; exempting specified structures from the wind-borne-debris-impact standards of the Florida Building Code; amending s. 553.77, F.S.; requiring the commission to issue specified declaratory statements; providing for hearings; providing for rules for plan review of prototype buildings; authorizing the commission to produce a commentary to accompany the Florida Building Code; amending s. 553.79, F.S.; requiring the code to establish standards for preliminary construction; amending s. 553.84, F.S.; providing an exception to certain

liability provisions relating to the Florida building Code; creating s. 553.8412, F.S.; providing for statewide outreach for training on the code; amending s. 553.842, F.S.; providing methods for local and statewide approval of products, methods, and systems of construction; providing rulemaking authority; amending s. 553.895, F.S.; exempting specified spaces within telecommunications buildings under specified circumstances; allowing the use of a manual wet standpipe under certain circumstances; directing the commission to research some issues and provide reports to the Legislature; providing an effective date for the Florida Building Code; amending s. 135 of ch. 2000-141, Laws of Florida, and ss. 62(2) and 68 of ch. 98-287, Laws of Florida, as amended; requiring that the Florida Building Commission appoint members to the commission's Education Technical Advisory Committee; specifying duties of the advisory committee; providing for the carryforward of funds collected for research projects; creating the Building Construction Permitting and Inspection Task Force; providing responsibilities; providing for appointment of members; providing for meetings and staffing by the Florida Building Commission; requiring a report to the Governor and the Legislature by a specified date; amending s. 627.0629, F.S.; delaying a deadline by which insurance companies are required to make certain rate filings; amending s. 663.0215, F.S.; delaying the date on which the State Fire Marshal is required to adopt a statewide fire-safety code; providing appropriations; providing an effective date.

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

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

235.061 Standards for relocatables used as classroom space; inspections.—

(1) The Commissioner of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. These rules must be implemented by July 1, 1998, and each relocatable acquired by a district school board after the effective date of the rules and intended for long-term use must comply with the standards. The rules shall require that, by July 1, 2002 ~~July 1, 2001~~, relocatables that fail to meet the standards may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Uniform Building Code for Public Educational Facilities or other locally adopted state minimum building codes to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, to be accessible by adequate covered walkways. By July 1, 2000, the commissioner shall adopt standards for all

relocatables intended for long-term use as classrooms. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

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

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

(1)(a) Passive design elements and low-energy usage features shall be included in the design and construction of new educational facilities. Operable glazing consisting of at least 5 percent of the floor area shall be placed in each classroom located on the perimeter of the building. For a relocatable classroom, the area of operable glazing and the area of exterior doors, together, shall consist of at least 5 percent of the floor area. Operable glazing is not required in community colleges, auxiliary facilities, music rooms, gyms, locker and shower rooms, special laboratories requiring special climate control, and large group instruction areas having a capacity of more than 100 persons.

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

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

255.31 Authority to the Department of Management Services to manage construction projects for state and local governments.—

(1) The design, construction, erection, alteration, modification, repair, and demolition of all public and private buildings are governed by the Florida Building Code and the Florida Fire Prevention Code, which are to be enforced by local jurisdictions or local enforcement districts unless specifically exempted as provided in s. 553.80. However, the Department of Management Services shall provide the project management and administration services for the construction, renovation, repair, modification, or demolition of buildings, utilities, parks, parking lots, or other facilities or improvements for projects for which the funds are appropriated to the department; provided that, with the exception of facilities constructed under the authority of chapters 944, 945, and 985; the Governor's mansion and grounds thereof, as described in s. 272.18; and the Capitol Building and environs, being that part of the City of Tallahassee bounded on the north by Pensacola and Jefferson Streets, on the east by Monroe Street, on the south by Madison Street, and on the west by Duval Street, the department may not conduct

plans reviews or inspection services for consistency with the Florida Building Code. The department's fees for such services shall be paid from such appropriations.

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

373.323 Licensure of water well contractors; application, qualifications, and examinations; equipment identification.—

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

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

399.001 Short title and purpose.—This chapter may be cited as the “Elevator Safety Act.” The purpose of this chapter is to provide for the safety of life and limb and to promote public safety awareness. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury and exposes employees and the public to unsafe conditions. The prevention of these injuries and the protection of employees and the public from unsafe conditions is in the best interest of the public. Elevator personnel performing work covered by the Florida Building Code must possess documented training or experience or both and be familiar with the operation and safety functions of the components and equipment. Training and experience includes, but is not limited to, recognizing the safety hazards and performing the procedures to which they are assigned in conformance with the requirements of the Florida Building Code. This chapter establishes the minimum standards for elevator personnel.

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

399.01 Definitions.—As used in this chapter, the term:

(1) “Alteration” means any change or addition to the vertical conveyance equipment other than maintenance, repair, or replacement.

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

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

(4) “Conveyance” means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, and stairway chairlift.

(5) “Department” means the Department of Business and Professional Regulation, ~~that authorizes an elevator owner to operate the elevator and~~

that is issued to the elevator owner when the division finds that the elevator complies with the requirements of this chapter.

(6) (4) “Division” means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(7) (5) “Elevator” means one of the following mechanical devices:

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

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

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

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

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

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

(8) “Escalator” means an installation defined as an escalator in the Florida Building Code.

(9) “Existing installation” means an installation defined as an “installation, existing” in the Florida Building Code.

(10) “Elevator Safety Technical Advisory Committee” means the committee appointed by the secretary of the Department of Business and Professional Regulation.

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

~~(6) “Elevator company” means any person that constructs, installs, inspects, maintains, or repairs any elevator.~~

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

(13) “Temporarily dormant conveyance” means a conveyance whose power supply has been disconnected by removing fuses and placing a pad-

lock on the mainline disconnect switch in the "OFF" position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal is installed on the mainline disconnect switch by a certificate of competency elevator inspector. This installation may not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by a certificate of competency elevator inspector. The temporarily dormant status is renewable on an annual basis and may not exceed a 5-year period. The inspector shall file a report with the chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the elevator inspector.

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

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

(16) "Certified elevator inspector" is a natural person registered with and authorized by the division to construct, install, inspect, maintain, or repair any vertical conveyance, after having properly acquired the qualified elevator inspector credential from the National Association of Elevator Safety Authorities. Such person shall remain so authorized by the division only upon providing annual proof of completion of 8 hours of continuing education and the qualified elevator inspector credential remains in good standing with the National Association of Elevator Safety Authorities. A licensed mechanical engineer whose license is in good standing may be authorized as a certified elevator inspector by the division. Each certified elevator inspector must annually register with the division and maintain general liability insurance coverage in the minimum amounts set by the division.

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

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

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

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

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

399.02 General requirements.—

~~(1) The Elevator Safety Technical Advisory Committee division shall develop and submit to the Director of Hotels and Restaurants regarding revisions to the elevator safety code so that it is the same as or similar to the latest versions of ASME A17.1, ASME A17.3, and ASME A18.1. Florida Building Commission for consideration an elevator safety code, which, when adopted within the Florida Building Code, applies to the installation, relocation, or alteration of an elevator for which a permit has been issued after October 1, 1990, and which must be the same as or similar to the latest revision of “The Safety Code for Elevators and Escalators ASME A17.1.”~~

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

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

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

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

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

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

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

(c) Mobile scaffolds, towers, and platforms within the scope of ANSI A92, as adopted by the Florida Building Code.

(d) Powered platforms and equipment for exterior and interior maintenance within the scope of ASME A120.1, as adopted by the Florida Building Code.

(e) Conveyors and related equipment within the scope of ASME B20.1, as adopted by the Florida Building Code.

(f) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of ASME B30, as adopted by the Florida Building Code.

(g) Industrial trucks within the scope of ASME B56, as adopted by the Florida Building Code.

(h) Portable equipment, except for portable escalators that are covered by the Florida Building Code.

(i) Tiered or piling machines used to move materials to and from storage located and operating entirely within one story.

(j) Equipment for feeding or positioning materials at machine tools and printing presses.

(k) Skip or furnace hoists.

(l) Wharf ramps.

(m) Railroad car lifts or dumpers.

(n) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing an elevator by a contractor licensed in this state.

(o) Automated people movers at airports.

(p) Elevators in television and radio towers.

(q) Hand-operated dumbwaiters.

(r) Sewage pump station lifts.

(s) Automobile parking lifts.

(t) Equipment covered in s. 1.2 of the Elevator Safety Code.

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

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

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

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

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



equipment until the elevator has been inspected and a certificate of operation has been issued by the department division.

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

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

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

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

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

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

399.03 Design, installation, and alteration of conveyances elevators.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures unless a permit has been obtained from the department before the work is commenced. When any material alteration is made, the device must conform to applicable requirements of the Florida Building Code for the alteration. A permit required hereunder may not be issued except to a person, firm, or corporation holding

a current elevator contractor's license issued under this chapter. A copy of the permit must be kept at the construction site at all times while the work is in progress.

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

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

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

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

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

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

(4) A permit expires if:

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

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

(5) All new conveyance installations must be performed by a person to whom a license to install or service a conveyance has been issued. Subsequent to installation, the licensed person, firm, or company must certify compliance with the applicable sections of this chapter and the Florida Building Code. Before any vertical conveyance is used, except those in a private residence it must be inspected by a licensed inspector not employed or associated with the elevator construction permitholder and certified as meeting the safety provisions of the Florida Building Code. Upon successful inspection, the owner or lessee must apply to the department for a certificate of operation from the department. A fee as prescribed in this chapter must be paid for the certificate of operation. It is the responsibility of the licensed elevator construction permitholder to complete and submit a first-time registration for a new installation. Vertical conveyances, including stairway chairlifts, and inclined or vertical wheelchair lifts located in private residences are not required to obtain a certificate of operation under this chapter.

(6) A certificate of operation expires July 31 of each year and must be renewed prior to continued use of the conveyance. A certificate of operation

must be clearly displayed on or in each conveyance or in the machine room for use by and for the benefit of inspectors and code enforcement personnel. Certificates of operation may only be renewed for vertical conveyances having a current satisfactory inspection.

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

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

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

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

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

399.049 Certificate of competency.—

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

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

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

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

(d) Violation of any provision of this chapter.

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

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

## 399.061 Inspections; correction of deficiencies.—

(1)(a) All elevators or other conveyances subject to this chapter must be annually inspected by a certified elevator inspector through a third-party inspection service, or by a municipality or county under contract with the division, pursuant to s. 399.13. If the elevator or other conveyance is by a third-party inspection service certified as a qualified elevator inspector or maintained pursuant to a service maintenance contract continuously in force, it shall be inspected at least once every 2 years by a certified elevator inspector who is not employed by or otherwise associated with the maintenance company; however, if the elevator is not an escalator or a dumbwaiter, serves only two adjacent floors, and is covered by a service maintenance contract, an inspection is not required so long as the service contract remains in effect. A statement verifying the existence, performance, and cancellation of each service maintenance contract must be filed annually with the division as prescribed by rule. ~~All elevators covered by a service maintenance contract shall be inspected by a certificate of competency holder at least once every 2 years; however, if the elevator is not an escalator or a dumbwaiter and the elevator serves only two adjacent floors and is covered by a service maintenance contract, no inspection shall be required so long as the service contract remains in effect.~~

(b) The division may inspect an elevator whenever necessary to ensure its safe operation or when a third-party inspection service is not available for a routine inspection.

(2) The division ~~may~~ shall employ state elevator inspectors to conduct the inspections as required by subsection (1) and may charge an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule. Each state elevator inspector shall hold a certificate of competency issued by the division.

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

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

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

## 399.07 Certificates of operation; temporary operation permits; fees.—

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

(b) The certificate of operation is valid for a period of 1 year unless sooner suspended or revoked. The department ~~division~~ shall by rule adopt a fee

schedule for the renewal of certificates of operation. The renewal period commences on August 1 of each year.

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

(d) The ~~department division~~ shall charge an annual fee for issuance of a certificate of operation in amount to be set by rule. ~~The fee must be set by rule in an amount not to exceed \$100 for an elevator not covered by a service maintenance contract or \$50 for an elevator covered by a service maintenance contract.~~ However, a renewal application for a certificate of operation filed with the department after expiration date of the certificate must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. The fees must be deposited into the Hotel and Restaurant Trust Fund.

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

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

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

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

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

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

(5) Except as authorized by a temporary operation permit, the operation or use of any newly installed, relocated, or altered elevator is prohibited

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

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

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

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

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

399.105 Administrative fines.—

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

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

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

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

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

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

399.106 Elevator Safety Technical Advisory Committee.—

(1) The Elevator Safety Technical Advisory Committee is created within the Department of Professional Regulation, Division of Hotel and Restau-

rants, consisting of seven members to be appointed by the Secretary of the Department of Business and Professional Regulation as follows: one representative from a major elevator manufacturing company or its authorized representative; one representative from an elevator servicing company; one representative from a building design profession; one representative of the general public; one representative of a local government in this state; one representative of a building owner or manager; one representative of labor involved in the installation, maintenance, and repair of elevators. The purpose of the committee is to provide technical assistance to the division in support of protecting the health, safety, and welfare of the public; to give the division the benefit of the committee members' knowledge and experience concerning the industries and individual businesses affected by the laws and rules administered by the division.

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

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

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

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

399.11 Penalties.—

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

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

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

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

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

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

399.13 Delegation of authority to municipalities or counties.—

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

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

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

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

489.509 Fees.—

(3) Four dollars of each fee under subsection (1) paid to the department at the time of application or renewal shall be transferred at the end of each licensing period to the Department of Community Affairs Education to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The board shall, at the time the funds are transferred, advise the Department of Community Affairs Education on the most needed areas of research or continuing education based on significant changes in the industry's practices or on the most common types of consumer complaints or on problems costing the state or local governmental entities substantial waste. The board's advice is not binding on the Department of Community Affairs Education. ~~The Department of Education must allocate 50 percent of the funds to a graduate program in building construction in a Florida university and 50 percent of the funds to all accredited private and state universities and community colleges within the state offering approved~~



~~courses in building construction, with each university or college receiving a pro rata share of such funds based upon the number of full-time building construction students enrolled at the institution. The Department of Community Affairs Education shall ensure the distribution of research reports and the availability of continuing education programs to all segments of the building construction industry to which they relate. The Department of Community Affairs Education shall report to the board in October of each year, summarizing the allocation of the funds by institution and summarizing the new projects funded and the status of previously funded projects. The Commissioner of Education is directed to appoint one electrical contractor and one certified alarm system contractor to the Building Construction Industry Advisory Committee.~~

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

489.537 Application of this part.—

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

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

Section 21. Effective upon this act becoming a law, present subsections (7) through (15) of section 553.36, Florida Statutes, are redesignated as subsections (8) through (16), respectively, and a new subsection (7) is added to that section, to read:

553.36 Definitions.—The definitions contained in this section govern the construction of this part unless the context otherwise requires.

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

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

553.415 Factory-built school buildings.—

(1) It is the purpose of this section to provide an alternative procedure for the construction and installation of factory-built school buildings designed or intended for use as school buildings. As used in this section, the term “factory-built school building” means any building designed or intended for use as a school building, which is in whole or in part, manufactured at an offsite facility in compliance with the State Uniform Code for Public Educational Facilities and Department of Education rule, effective on January 5, 2000. After January 1, 2002 ~~July 1, 2001~~, the Uniform Code for

Public Educational Facilities shall be incorporated into the Florida Building Code, including specific requirements for Public Educational Facilities and the Department of Education rule, effective on January 5, 2000. For the purpose of this section, factory-built school buildings include prefabricated educational facilities, factory-built educational facilities, and modular-built educational facilities, that are designed to be portable, relocatable, de-mountable, or reconstructible; are used primarily as classrooms or the components of an entire school; and do not fall under the provisions of ss. 320.822-320.862.

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

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

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

(5) The department, in accordance with the standards and procedures adopted pursuant to this section and as such standards and procedures may thereafter be modified, shall approve or reject such plans, specifications, and methods of construction. Approval shall not be given unless such plans, specifications, and methods of construction are in compliance with the State Uniform Building Code for Public Educational Facilities and department rule. After January 1, 2002 ~~July 1, 2001~~, the Uniform Code for Public Educational facilities shall be incorporated into the Florida Building Code, including specific requirements for public educational facilities and department rule.

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

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

(8) Any amendment to the State Uniform Code for Public Educational Facilities, and after January 1, 2002 ~~July 1, 2001~~, the Florida Building Code,

shall become effective 180 days after the amendment is filed with the Secretary of State. Notwithstanding the 180-day delayed effective date, the manufacturer shall submit and obtain a revised approved plan within the 180 days. A revised plan submitted pursuant to this subsection shall be processed as a renewal or revision with appropriate fees. A plan submitted after the period of time provided shall be processed as a new application with appropriate fees.

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

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

(11) The department shall develop a unique identification label to be affixed to all newly constructed factory-built school buildings and existing factory-built school buildings which have been brought into compliance with the standards for existing "satisfactory" buildings pursuant to chapter 5 of the Uniform Code for Public Educational Facilities, and after ~~January 1, 2002~~ July 1, 2001, the Florida Building Code. The department may charge a fee for issuing such labels. Such labels, bearing the department's name and state seal, shall at a minimum, contain:

- (a) The name of the manufacturer.
- (b) The standard plan approval number or alteration number.
- (c) The date of manufacture or alteration.
- (d) The serial or other identification number.

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

(f) The designed-for flood zone usage.

(g) The designed-for wind zone usage.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 25. Subsections (2) and (3), paragraph (b) of subsection (4) and subsections (5), (6), and (7) of section 553.73, Florida Statutes, as amended by section 40 of chapter 98-287, Laws of Florida, as amended by section 61 of chapter 98-419, Laws of Florida, as amended by sections 73, 74, and 75 of chapter 2000-141, Laws of Florida, and section 62 of chapter 2000-154, Laws of Florida, are amended, and present subsections (8), (9), and (10) of that section are redesignated as subsections (9), (10), and (11), respectively, to read:

553.73 State Minimum Building Codes.—

(2) The Florida Building Code shall contain provisions or requirements for public and private buildings, structures, and facilities relative to structural, mechanical, electrical, plumbing, energy, and gas systems, existing buildings, historical buildings, manufactured buildings, elevators, coastal construction, lodging facilities, food sales and food service facilities, health care facilities, including assisted living facilities, adult day care facilities, and facilities for the control of radiation hazards, public or private educational facilities, swimming pools, and correctional facilities and enforcement of and compliance with such provisions or requirements. Further, the Florida Building Code must provide for uniform implementation of ss. 515.25, 515.27, and 515.29 by including standards and criteria for residential swimming pool barriers, pool covers, latching devices, door and window exit alarms, and other equipment required therein, which are consistent with the intent of s. 515.23. Technical provisions to be contained within the Florida Building Code are restricted to requirements related to the types of materials used and construction methods and standards employed in order to meet criteria specified in the Florida Building Code. Provisions relating to the personnel, supervision or training of personnel, or any other professional qualification requirements relating to contractors or their workforce may not be included within the Florida Building Code, and subsections (4), (5), and (6) are not to be construed to allow the inclusion of such provisions within the Florida Building Code by amendment. This restriction applies to both initial development and amendment of the Florida Building Code.

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

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

(b) In order for a Technical Advisory Committee to make a favorable recommendation to the commission, the proposal must receive a three-fourths vote of the members present at the Technical Advisory Committee meeting and at least half of the regular members must be present in order to conduct a meeting;

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

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

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

(4)

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

1. The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the Florida Building Code. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the Florida Building Code for the protection of life and property.

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

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

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

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

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

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

7. Each county and municipality desiring to make local technical amendments to the Florida Building Code shall by interlocal agreement establish a countywide compliance review board to review any amendment to the Florida Building Code, adopted by a local government within the county pursuant to this paragraph, that is challenged by any substantially affected party for purposes of determining the amendment's compliance with this paragraph. If the compliance review board determines such amendment is not in compliance with this paragraph, the compliance review board shall notify such local government of the noncompliance and that the amendment is invalid and unenforceable until the local government corrects the amendment to bring it into compliance. The local government may appeal the decision of the compliance review board to the commission, which shall conduct a hearing under chapter 120 and the uniform rules of procedure. If the compliance review board determines such amendment to be in compliance with this paragraph, any substantially affected party may appeal such determination to the commission, which shall conduct a hearing under chapter 120 and the uniform rules of procedure. Actions of the commission are subject to judicial review pursuant to s. 120.68. The compliance review board shall determine whether its decisions apply to a respective local jurisdiction or apply countywide.

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

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

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

(6) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall consider changes made

by the adopting entity of any selected model code for any model code incorporated into the Florida Building Code, and may subsequently adopt the new edition or successor of the model code or any part of such code, no sooner than 6 months after such model code has been adopted by the adopting organization, which may then be modified for this state as provided in this section, and shall further consider the commission's own interpretations, declaratory statements, appellate decisions, and approved statewide and local technical amendments. A change made by an institute or standards organization to any standard or criterion that is adopted by reference in the Florida Building Code does not become effective statewide until it has been adopted by the commission. Furthermore, the edition of the Florida Building Code which is in effect on the date of application for of any permit authorized by the code governs the permitted work for the life of the permit and any extension granted to the permit. Any amendment to the Florida Building Code which is adopted upon a finding by the commission that the amendment is necessary to protect the public from immediate threat of harm takes effect immediately.

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

1. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
2. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
3. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
4. Does not degrade the effectiveness of the Florida Building Code.

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

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

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

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



- (a) Buildings and structures specifically regulated and preempted by the Federal Government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile homes used as temporary offices, except that the provisions of part V relating to accessibility by persons with disabilities shall apply to such mobile homes.
- (f) Those structures or facilities of electric utilities, as defined in s. 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code.
- (i) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

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

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

553.77 Specific powers of the commission.—

(1) The commission shall:

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

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

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

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

3. Hearings shall be conducted pursuant to chapter 120 and the uniform rules of procedure, and decisions Actions of the commission are subject to judicial review pursuant to s. 120.68.

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

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

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

Section 27. Subsections (2) and (6) of section 553.79, Florida Statutes, as amended by section 49 of chapter 98-287, Laws of Florida, as amended by sections 83 and 84 of chapter 2000-141, Laws of Florida, are amended to read:

553.79 Permits; applications; issuance; inspections.—

(2) Except as provided in subsection (6), an ~~No~~ enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building or structure until the local building code administrator or inspector has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found the plans to be in compliance with the Florida Building Code. In addition, an enforcing agency may not issue any permit for construction, erection, alteration, modification, repair, or demolition of any building until the appropriate firesafety inspector certified pursuant to s. 633.081 has reviewed the plans and specifications required by the Florida Building Code, or local amendment thereto, for such proposal and found that the plans comply with the Florida Fire Prevention Code and the Life Safety Code. Any building or structure which is not subject to a firesafety code shall not be required to have its plans reviewed by the firesafety inspector. Any building or structure that is exempt from the local building permit process may not be required to have its plans reviewed by the local building code administrator. Industrial construction on sites where design, construction, and firesafety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and firesafety inspectors. The enforcing agency shall issue a permit to construct, erect, alter, modify, repair, or demolish any building or structure when the plans and specifications for such proposal comply with the provisions of the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code as determined by the local authority in accordance with this chapter and chapter 633.

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

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

553.84 Statutory civil action.—Notwithstanding any other remedies available, any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of a violation of this part or the Florida Building Code, has a cause of action in any court of competent jurisdiction against the person or party who committed the violation; however, if the person or party obtains the required building permits and any local government or public agency with authority to enforce the Florida Building Code approves the plans, if the construction project passes all required inspections under the code, and if there is no personal injury or

damage to property other than the property that is the subject of the permits, plans, and inspections, this section does not apply unless the person or party knew or should have known that the violation existed.

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

553.8412 Legislative intent; delivery of training; outsourcing.—

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

(2) Not more than 60 days after the effective date of this section, the Florida Building Commission and the department shall provide for statewide outreach for training on the Florida Building Code. The Florida Building Commission and the department shall achieve statewide outreach for training through organizations, including, but not limited to, existing licensee trade and professional associations. The Florida Building Commission or the department may not exclude participation in statewide outreach by any trade or professional association that has as its primary constituency members who are required to comply with the training requirements of the Florida Building Code. Wherever possible and by contract pursuant to s. 287.057, the Florida Building Commission and the department shall outsource components, outreach, and coordination of training and the training itself to prevent duplication and ensure the most expeditious and consistent delivery and minimize administrative costs to the commission and the department. This section does not prohibit any qualified entity from providing training on the Florida Building Code.

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

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

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

553.842 Product evaluation and approval.—

~~(1) The commission shall adopt rules under ss. 120.536(1) and 120.54 make recommendations to the President of the Senate and the Speaker of the House of Representatives prior to the 2001 Regular Session to develop~~

and implement a product evaluation and approval system that applies state-wide to operate in coordination with the Florida Building Code. The commission may enter into contracts to provide for administration of the product evaluation and approval system. The product evaluation and approval system shall provide:

- (a) Appropriate promotion of innovation and new technologies.
- (b) Processing submittals of products from manufacturers in a timely manner.
- (c) Independent, third-party qualified and accredited testing and laboratory facilities, product evaluation entities, quality-assurance agencies, certification agencies, and validation entities.
- (d) An easily accessible product acceptance list to entities subject to the Florida Building Code.
- (e) Development of stringent but reasonable testing criteria based upon existing consensus standards, when available, for products.
- (f) Long-term approvals, where feasible. State and local approvals will be valid until the requirements of the code on which the approval is based change, the product changes in a manner affecting its performance as required by the code, or the approval is revoked.
- (g) Criteria for recall or revocation of a product approval.
- (h) Cost-effectiveness.

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

(3) Products or methods or systems of construction that require approval under s. 553.77, that have standardized testing or comparative or rational analysis methods established by the code, required to be approved and that are certified by an approved product evaluation entity, testing laboratory, or certification agency as complying with the standards specified by the code shall be approved for local or statewide use by one of the methods established in subsection (6) permitted to be used statewide, without further evaluation or approval.

(4) By October 1, 2003, products or methods or systems of construction requiring approval under s. 553.77 must be approved by one of the methods established in subsection (5) or subsection (6) before their use in construction in this state. Products may be approved either by the commission for statewide use, or by a local building department for use in that department's jurisdiction only. Notwithstanding a local government's authority to amend the Florida Building Code as provided in this act, statewide approval shall preclude local jurisdictions from requiring further testing, evaluation, or

submission of other evidence as a condition of using the product so long as the product is being used consistent with the conditions of its approval.

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

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

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

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

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

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was evaluated to be in compliance with the intent of the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code; or
2. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state, who certifies

that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code.

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

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

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

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

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

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

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

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

(a) ~~Submittal and validation of a product evaluation report from an approved product evaluation entity indicating the product or method or system~~

~~of construction was tested to be in compliance with the Florida Building Code or with the intent of the Florida Building Code and the product or method or system of construction is, for the purpose intended, at least equivalent of that required by the Florida Building Code; or~~

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

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

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

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

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

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

~~(15) The commission shall by rule establish criteria for revocation of product approvals as well as revocation of approvals of product evaluation entities, testing laboratories, quality-assurance entities, certification agen-~~



cies, and validation entities. Revocation is governed by s. 120.60 and the uniform rules of procedure.

(16) The commission shall establish a schedule for adoption of the rules required in this section to ensure that the product manufacturing industry has sufficient time to revise products to meet the requirements for approval and submit them for testing or evaluation before the system taking effect on October 1, 2003, and to ensure that the availability of statewide approval is not delayed.

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

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

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

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

553.895 Firesafety.—

(2) Except for single-family and two-family dwellings, any building which is of three stories or more and for which the construction contract is let after January 1, 1994, regardless of occupancy classification and including any building which is subject to s. 509.215, shall be equipped with an automatic sprinkler system installed in compliance with the provisions of chapter 633 and the rules and codes adopted pursuant thereto. A stand-alone parking garage constructed with noncombustible materials, the design of which is such that all levels of the garage are uniformly open to the atmosphere on all sides with percentages of openings as prescribed in the applicable building code, and which parking garage is separated from other structures by at least 20 feet, is exempt from the requirements of this subsection. Telecommunications spaces located within telecommunications buildings, if the spaces are equipped to meet an equivalent fire-prevention standard approved by both the Florida Building Commission and the State Fire Marshal, are exempt from the requirements of this subsection. In a building less than 75 feet in height which is protected throughout with an approved and maintained fire sprinkler system, a manual wet standpipe, as defined in the National Fire Protection Association Standard 14, Standard for the Installation of Standpipe, Private Hydrant, and Hose Systems, shall be allowed.

Section 32. Effective upon this act becoming a law, the Florida Building Commission shall research the issue of adopting a rehabilitation code for the

state and shall report to the Legislature before the 2002 Regular Session regarding the feasibility of adopting such a code. The commission shall review the rehabilitation codes adopted by other states as part of its research.

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

Section 34. Notwithstanding any other provision in chapter 2000-141, Laws of Florida, effective upon this act becoming a law, the effective date of the following sections of chapter 2000-141, Laws of Florida, is changed to January 1, 2002: sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 32, 36, 39, 44, 47, 48, 49, 52, 54, 56, 58, 59, 60, 62, 70, 71, 72, 75, 79, 81, 84, 86, 87, 88, 91, 92, 93, 94, and 99.

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

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

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

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

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

Section 62.

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

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

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

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

(1) Effective upon this act becoming a law, the Florida Building Commission shall appoint those members of the Building Construction Industry Advisory Committee on October 1, 2001, as established by Rule 6A-10.029, Florida Administrative Code, to the Education Technical Advisory Committee of the Florida Building Commission to complete their terms of office. Members of the Florida Building Commission shall also be appointed to the Education Technical Advisory Committee. The members of the committee shall broadly represent the building construction industry and must consist of no fewer than 10 persons. The chairperson of the Florida Building Commission shall annually designate the chairperson of the committee. The terms of the committee members shall be 2 years each and members may be reappointed at the discretion of the Florida Building Commission.

(2) The Educational Technical Advisory Committee shall:

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

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

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

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

(3) Each biennium, upon receipt of funds by the Department of Community Affairs from the Construction Industry Licensing Board and the Electrical Contractors' Licensing Board provided under sections 489.109(3) and 489.509(3), Florida Statutes, the commission shall determine the amount of funds available for research projects from the proceeds of contractor licensing fees and identify, solicit, and accept funds from other sources for research and continuing education projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

627.0629 Residential property insurance; rate filings.—

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

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

633.0215 Florida Fire Prevention Code.—

(3) No later than 180 days before the triennial adoption of the Florida Fire Prevention Code, the State Fire Marshal shall notify each municipal, county, and special district fire department of the triennial code adoption and steps necessary for local amendments to be included within the code. No later than 120 days before the triennial adoption of the Florida Fire Prevention Code, each local jurisdiction shall provide the State Fire Marshal with copies of its local fire code amendments. The State Fire Marshal has the option to process local fire code amendments that are received less than 120 days before the adoption date of the Florida Fire Prevention Code.

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

Section 44. Effective upon this act becoming a law, the Florida Building Commission shall research and evaluate the types of specific needs for the state and its localities which are appropriate to justify amendments to the

adopted Florida Building Code, as referenced in section 553.73(3), Florida Statutes, and shall make recommendations regarding legislative clarification of this issue to the Legislature prior to the 2002 Regular Session. The commission shall consider needs relating to the state's geographic, climatic, soil, topographic, fire, and other conditions as part of its evaluation. The commission shall adopt no amendments to the Florida Building Code until after July 1, 2002, except for the following: emergency amendments, amendments clarifying construction regulations for state agencies, amendments that eliminate conflicts with state law or implement new authorities granted by law, and amendments to implement settlement agreements executed prior to March 1, 2002.

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

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

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

Approved by the Governor June 8, 2001.

Filed in Office Secretary of State June 8, 2001.