

Council Substitute for House Bill No. 1307

An act relating to building code development and administration; amending s. 553.73, F.S., relating to the Florida Building Code; exempting modular structures from the code; requiring the Florida Building Commission to develop building code provisions to facilitate the rehabilitation and use of existing structures; requiring the commission to identify legislative changes required to implement code provisions; requiring a report to the Legislature; amending s. 399.01, F.S.; revising and removing definitions; requiring that elevator service maintenance contracts be made available to the Department of Business and Professional Regulation upon request for oversight purposes; revising qualifications for an elevator certificate of competency; amending s. 399.02, F.S.; providing that each elevator owner is responsible for inspections and correction of code deficiencies; eliminating a requirement that the department review service maintenance contracts and determine whether they ensure safe operation; amending s. 399.03, F.S.; revising requirements relating to the design, installation, and alteration of conveyances; providing additional requirements for issuance of elevator permits; revising reporting requirements; providing requirements for temporary operation inspections; amending s. 399.049, F.S.; revising grounds for suspension or revocation of certification or registration; amending s. 399.061, F.S.; eliminating the requirement that annual inspections be conducted through third-party inspection services; revising reporting requirements relating to service maintenance contracts; revising requirements relating to the correction of violations; amending s. 399.07, F.S.; extending the period of validity of certificates of operation from 1 to 2 years; revising fee provisions to conform; amending s. 399.105, F.S.; providing administrative fines for violations relating to reporting, operating a sealed elevator, and complying with correction orders; eliminating a restriction on the issuance of an administrative fine relating to commencing installation without a construction permit; amending s. 399.106, F.S.; correcting a reference; amending s. 399.125, F.S.; eliminating the requirement to report elevator incidents; amending s. 399.13, F.S.; allowing municipalities or counties that assume elevator inspection duties to hire private inspectors to conduct inspections; amending s. 553.512, F.S.; requiring the granting of a waiver of certain requirements for accessibility purposes under certain circumstances; amending s. 553.73, F.S.; revising provisions governing local government amendments to the technical provisions of the Florida Building Code; amending s. 553.74, F.S.; revising eligibility for membership on the Florida Building Commission; amending s. 553.77, F.S.; providing additional specific powers, duties, and requirements of the commission; providing legislative intent; amending s. 553.791, F.S.; providing alternative procedures for building plans review and inspection; providing definitions; authorizing use of a private provider to review plans and make building code inspections under certain circumstances; providing a limitation; requiring notice to the local

building official; specifying notice information; specifying requirements, duties, and responsibilities of a private provider; providing for a certificate of compliance; providing duties of the local building official; providing procedures for approval or denial of a certificate of compliance or a building permit; prohibiting local entities from adopting or enforcing certain laws, rules, procedures, or standards; requiring a private provider to maintain certain insurance; subjecting private providers to certain disciplinary provisions; limiting use of a private provider under certain circumstances; requiring local building code enforcement agencies to develop and maintain a process to audit the performance of building code inspection services; providing immunity from liability; requiring a report; amending s. 553.842, F.S.; providing certain equivalency with respect to product evaluation and approval under the Florida Building Code; amending s. 604.50, F.S.; redefining the term “nonresidential farm building” for purposes of an exemption from the Florida Building Code; amending s. 627.0629, F.S.; revising timeframe for rate filing for residential property insurance; providing an effective date.

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

Section 1. Paragraph (e) of subsection (8) of section 553.73, Florida Statutes, is amended to read:

553.73 Florida Building Code.—

(8) 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:

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

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 2. (1) The Legislature directs the Florida Building Commission to develop building code provisions that may be added to the Florida Building Code to facilitate the rehabilitation and use of existing structures. The

commission shall select from available national or international model codes or the codes or code provisions adopted by another state to form the foundation for the code provisions required by this section.

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

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

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

Section 3. 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 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.~~

~~(2)(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.~~

~~(3)(4) “Conveyance” means an elevator, dumbwaiter, escalator, moving sidewalk, platform lift, or and stairway chairlift.~~

~~(4)(5) “Department” means the Department of Business and Professional Regulation.~~

~~(5)(6) “Division” means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.~~

~~(6)(7) “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.~~

~~(7)(9)~~ “Existing installation” means an installation defined as an “installation, existing” in the Florida Building Code.

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

~~(9)(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.

~~(10)(12)~~ “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. A service maintenance contract shall be made available upon request of the department for purposes of oversight and monitoring.

~~(11)(13)~~ “Temporarily dormant conveyance” means a conveyance whose power supply has been disconnected by removing fuses and placing a padlock 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 certified certificate of competency elevator inspector. ~~This conveyance 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 certified 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 department chief elevator inspector describing the current conditions. The wire seal and padlock may not be removed for any purpose without permission from the department elevator inspector.~~

~~(12)(14)~~ “Temporary operation inspection permit” means an inspection performed by a certified elevator inspector, the successful passage of a docu-

ment issued by the department which permits the temporary use of a non-compliant vertical conveyance as provided by rule.

~~(13)~~⁽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 rule ~~the division~~.

~~(14)~~⁽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 as prescribed by the American Society of Mechanical Engineers. Each certified elevator inspector must annually register with the division and provide 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, proof that and the qualified elevator inspector credential remains in good standing, and proof of 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.

~~(15)~~⁽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 be covered by ~~maintain~~ general liability insurance coverage in the minimum amounts set by the division.

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

~~(17)~~⁽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 nonrefundable 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 from a provider approved by the department and a nonrefundable renewal fee of \$50. ~~The department shall adopt by rule criteria for providing approval and procedures for continuing education reporting.~~

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

1. Four years’ work experience in the construction, maintenance, service, and repair of conveyances covered by this chapter. This experience shall be

verified by current or previously registered elevator companies as required by the division.

2. One of the following:

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

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

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

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

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

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

399.02 General requirements.—

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

(5)(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. 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.

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

~~(c) The elevator owner shall report to the department 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 requires. The department 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. 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 shall determine whether the provisions of the service maintenance contract and its implementation ensure the safe operation of the elevator.~~

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

399.03 Design, installation, and alteration of conveyances.—

(1) A conveyance covered by this chapter may not be erected, constructed, installed, or altered within buildings or structures ~~until unless~~ a permit has been obtained from the department ~~before the work is commenced~~. Permits must be applied for by a registered elevator company and may only be granted upon receipt and approval of an application to be made on a form prescribed by the department, accompanied by proper fees and a sworn statement from an agent of the registered elevator company that the plans meet all applicable elevator safety and building codes. Permits may be granted only to registered elevator companies in good standing. When any material alteration is made, the alteration device must conform to applicable requirements of the Florida Building Code and the provisions of this chapter 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 and plans must be kept at the construction site at all times while the work is in progress and until a certificate of operation is issued.

(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 registered elevator company 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 certified elevator licensed inspector not employed, or associated, or having a conflict of interest with the elevator construction permitholder or elevator owner and certified as meeting the safety provisions of the Florida Building Code, including the performance of all required safety tests. The certified elevator inspector shall provide the original copy of the inspection report to the department within 5 days after the inspection. A certificate of operation may not be issued until the permitholder provides an affidavit signed by the construction supervisor attesting that the supervisor directly supervised the construction or installation of the elevator. 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.~~

~~(6)(7) At the department's request, and to facilitate oversight and monitoring, the permitholder shall notify the department of the scheduled final inspection date and time for purposes of acquiring a certificate of inspection, 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.~~

~~(7)(8) 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.~~

~~(8)(9) 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.~~

(9)(10) 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.

(10)(a) The temporary use of an elevator during installation or alteration is authorized for a period of 30 days after the completion of a satisfactory temporary operation inspection. An additional 30-day period of temporary use is authorized from the date of completion of each additional satisfactory temporary operation inspection. A satisfactory temporary operation inspection must satisfy the following criteria: the elevator is 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) Temporary use is authorized only when a satisfactory temporary operation inspection report, completed within the last 30 days by a certified elevator inspector, and a notice prescribed by the department, bearing a statement that the elevator has not been finally approved by a certified elevator inspector, are conspicuously posted in the elevator.

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

399.049 Disciplinary action ~~Certificate of competency.~~—

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

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

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

(c) Failure by a certified elevator inspector to provide to notify the department and the certificate of operation holder with a copy of the inspection report within 5 days after the date of any inspection performed after the initial certificate of operation is issued 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 7. Section 399.061, Florida Statutes, is amended to read:

399.061 Inspections; service maintenance contracts; 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 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.~~

(b) A statement verifying the existence and performance of each service maintenance contract must be filed at least annually with the division and as prescribed by rule. Cancellation of a service maintenance contract must be reported to the division as prescribed by rule. 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 employ state elevator inspectors to inspect an elevator whenever necessary to ensure its safe operation. The division may also employ state elevator inspectors to conduct any the inspections as required by this chapter subsection (1) and may charge a an inspection fee for each inspection in an amount sufficient to cover the costs of that inspection, as provided by rule, when a private certified elevator inspector is not available. Each state elevator inspector shall be properly qualified as a certified elevator inspector 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 ~~or the Florida Building Code~~, the division may issue an order to the elevator owner requiring correction of the violation and reinspection of the elevator evidencing the correction.

Section 8. 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.~~

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

~~(2)(e) 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 shall charge an annual fee for issuance of a certificate of operation in an amount to be set by rule. 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 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.~~

~~(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 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 for as authorized by a temporary use authorized by this chapter 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 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 receives satisfactory results of an inspection performed by a certified elevator inspector indicating determines, by inspection, that the elevator has been brought into compliance.

Section 9. 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 this chapter s. 399.02 or with the reasonable requests of the department to determine whether the provisions of a service maintenance contract and its implementation ensure assure safe elevator operation is subject to an administrative fine not greater than \$1,000 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 the permit or certificate is subject to an administrative fine not greater than \$1,000 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 or after it has been sealed by the department is subject to an administrative fine not greater than \$1,000 for each day the elevator has been operated after the service of the notice or sealing by the department, in addition to any other penalty provided by law.

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

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

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

399.106 Elevator Safety Technical Advisory Committee.—

(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 committee ~~commission~~ shall appoint one of the members to serve as chair.

Section 11. 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 form prescribed by the division. Failure to timely file this report is a violation of this chapter and will subject the certificate of operation holder to an administrative fine, to be imposed by the division, in an amount not to exceed \$1,000.

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

399.13 Delegation of authority to municipalities or counties.—

(1) The department 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 for inspection of elevators, including temporary operation inspections; and will enforce the applicable provisions of the Florida Building Code, as required by this chapter. The municipality or county may choose to require inspections to be performed by its own inspectors or by private certified elevator inspectors. Each such agreement shall include a provision that the municipality or county shall maintain for inspection by the department 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 a certified elevator inspector ~~the holder of a certificate of competency issued by the department~~; and may include such other provisions as the department deems necessary.

(2) The department 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 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 13. Subsection (1) of section 553.512, Florida Statutes, is amended to read:

553.512 Modifications and waivers; advisory council.—

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

Section 14. Paragraph (b) of subsection (4) of section 553.73, Florida Statutes, as amended by section 2 of chapter 2001-372, Laws of Florida, is amended to read:

553.73 Florida Building 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. A local government may adopt technical amendments that address local needs if, 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 by evidence or data that the geographical jurisdiction governed by the local governing body exhibits a local need to strengthen the Florida Building Code beyond the needs or regional variation addressed by the Florida Building Code, that the local need is addressed by the proposed local amendment, and that the amendment is no more stringent than necessary to address the local need 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. Local technical amendments shall not become effective until 30 days after the amendment has been received and published by the commission.

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 challenged, the local technical amendments shall not become effective until time for filing an appeal pursuant to subparagraph 8 has expired or, if there is an appeal, until the commission issues its final order determining the adopted amendment is in compliance with this subsection.

8. 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.~~ Any such appeal shall be filed with the commission within 14 days of the board's written determination. The commission shall promptly refer the appeal to the Division of Administrative Hearings for the assignment of an administrative law judge. The administrative law judge shall conduct the required hearing within 30 days, and shall enter a recommended order within 30 days of the conclusion of such hearing. The commission shall enter a final order within 30 days

thereafter. The provisions of chapter 120 and the uniform rules of procedure shall apply to such proceedings. The local government adopting the amendment that is subject to challenge has the burden of proving that the amendment complies with this paragraph in proceedings before the compliance review board and the commission, as applicable. 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.

9.8. 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.

10.9. In addition to subparagraphs 7. and 9. 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.

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

553.74 Florida Building Commission.—

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

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

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

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

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

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

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

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

- (h) One roofing ~~or, sheet metal, or air conditioning~~ contractor certified to do business in this state and actively engaged in the profession.
- (i) One residential contractor licensed to do business in this state and actively engaged in the profession.
- (j) Three members who are municipal or district codes enforcement officials, one of whom is also a fire official.
- (k) One member who represents the Department of Insurance.
- (l) One member who is a county codes enforcement official.
- (m) One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state.
- (n) One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry.
- (o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession.
- (p) One member who is a representative of a municipality or a charter county.
- (q) One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry.
- (r) One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management.
- (s) One member who is a representative of the insurance industry.
- (t) One member who is a representative of public education.
- (u) One member who shall be the chair.

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

Section 16. Subsection (7) is added to section 553.77, Florida Statutes, to read:

553.77 Specific powers of the commission.—

(7) The commission shall by rule establish an informal process of rendering nonbinding interpretations of the Florida Building Code. The commission is specifically authorized to refer interpretive issues to organizations that represent those engaged in the construction industry. The commission

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

Section 17. Effective October 1, 2002, section 553.791, Florida Statutes, is created to read:

553.791 Alternative plans review and inspection.—

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

(a) “Applicable codes” means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

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

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

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

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

(f) “Permit application” means a properly completed and submitted application for:

1. The requested building or construction permit.
2. The plans reviewed by the private provider.
3. The affidavit from the private provider required pursuant to subsection (5).

4. Any applicable fees.

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

(g) "Private provider" means a person licensed as an engineer under chapter 471 or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

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

1. A certificate of occupancy or certificate of completion.

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

3. Any applicable fees.

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

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

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

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

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

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

or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

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

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building that is the subject of the enclosed permit application.

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

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

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

(b) The plans comply with the applicable codes.

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

application shall be deemed approved as a matter of law and the permit shall be issued by the local building official on the next business day.

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

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

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

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

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

(9) Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form acceptable to the local building official. These inspection records shall reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, before leaving the project site, shall post each completed inspection record, indicating pass or fail, at the site and provide the record to the local building official within 2 business days. Records of all required and completed inspections shall be maintained at the building site at all

times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

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

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

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

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

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

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

(c) Notwithstanding any provision of this section, any decisions regarding the issuance of a building permit, certificate of occupancy, or certificate

of completion may be reviewed by the local enforcement agency's board of appeals, if one exists. Any decision by the local enforcement agency's board of appeals, or local building official if there is no board of appeals, may be appealed to the commission pursuant to s. 553.77(1)(h), which shall consider the matter at the commission's next scheduled meeting.

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

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

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

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

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

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

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

Section 18. Paragraph (a) of subsection (6) of section 553.842, Florida Statutes, is amended to read:

553.842 Product evaluation and approval.—

(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.

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

Section 19. Section 604.50, Florida Statutes, is amended to read:

604.50 Nonresidential farm buildings.—Notwithstanding any other law to the contrary, any nonresidential farm building ~~located on a farm~~ is exempt from the Florida Building Code and any county or municipal building code. For purposes of this section, the term “nonresidential farm building” means any building or support structure that is used for agricultural purposes, is located on a farm that is not used as a residential dwelling, and is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461. The term “farm” is as defined in s. 823.14.

Section 20. Subsection (1) of section 627.0629, Florida Statutes, as amended by chapter 2001-372, Laws of Florida, is amended to read:

627.0629 Residential property insurance; rate filings.—

(1) Effective June 1, 2002, 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 February 28, 2003.

Section 21. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor May 30, 2002.

Filed in Office Secretary of State May 30, 2002.