

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Ahern offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

(1) All notices required by this part must be provided to the alleged violator by:

(a) Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices, or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for ~~provided by the property owner in writing to the local government for the purpose of receiving notices.~~ For property owned by a

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17 corporation, notices may be provided by certified mail to the
18 registered agent of the corporation. If any notice sent by
19 certified mail is not signed as received within 30 days after
20 the postmarked date of mailing, notice may be provided by
21 posting as described in subparagraphs (2)(b)1. and 2.;

22 (b) Hand delivery by the sheriff or other law enforcement
23 officer, code inspector, or other person designated by the local
24 governing body;

25 (c) Leaving the notice at the violator's usual place of
26 residence with any person residing therein who is above 15 years
27 of age and informing such person of the contents of the notice;
28 or

29 (d) In the case of commercial premises, leaving the notice
30 with the manager or other person in charge.

31 (2) In addition to providing notice as set forth in
32 subsection (1), at the option of the code enforcement board or
33 the local government, notice may ~~also~~ be served by publication
34 or posting, as follows:

35 (a)1. Such notice shall be published once during each week
36 for 4 consecutive weeks (four publications being sufficient) in
37 a newspaper of general circulation in the county where the code
38 enforcement board is located. The newspaper shall meet such
39 requirements as are prescribed under chapter 50 for legal and
40 official advertisements.

41 2. Proof of publication shall be made as provided in ss.
42 50.041 and 50.051.

43 (b)1. In lieu of publication as described in paragraph
44 (a), such notice may be posted at least 10 days prior to the

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45 hearing, or prior to the expiration of any deadline contained in
46 the notice, in at least two locations, one of which shall be the
47 property upon which the violation is alleged to exist and the
48 other of which shall be, in the case of municipalities, at the
49 primary municipal government office, and in the case of
50 counties, at the front door of the courthouse or the main county
51 governmental center in said county.

52 2. Proof of posting shall be by affidavit of the person
53 posting the notice, which affidavit shall include a copy of the
54 notice posted and the date and places of its posting.

55 (c) Notice by publication or posting may run concurrently
56 with, or may follow, an attempt or attempts to provide notice by
57 hand delivery or by mail as required under subsection (1).

58
59 Evidence that an attempt has been made to hand deliver
60 or mail notice as provided in subsection (1), together
61 with proof of publication or posting as provided in
62 subsection (2), shall be sufficient to show that the
63 notice requirements of this part have been met,
64 without regard to whether or not the alleged violator
65 actually received such notice.

66 Section 2. Subsection (3) of section 255.20, Florida
67 Statutes, is amended to read:

68 255.20 Local bids and contracts for public construction
69 works; specification of state-produced lumber.-

70 (3)(a) All county officials, boards of county
71 commissioners, school boards, city councils, city commissioners,
72 and all other public officers of state boards or commissions

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73 that are charged with the letting of contracts for public work,
74 for the construction of public bridges, buildings, and other
75 structures must specify in the contract lumber, timber, and
76 other forest products produced and manufactured in this state if
77 wood is a component of the public work and if such products are
78 available and their price, fitness, and quality are equal.

79 (b) This subsection does not apply:

80 1. To plywood specified for monolithic concrete forms.~~7~~

81 2. If the structural or service requirements for timber
82 for a particular job cannot be supplied by native species.~~7~~~~or~~

83 3. If the construction is financed in whole or in part
84 from federal funds with the requirement that there be no
85 restrictions as to species or place of manufacture.

86 4. To transportation projects for which federal aid funds
87 are available.

88 Section 3. Subsection (4) is added to section 255.2575,
89 Florida Statutes, to read:

90 255.2575 Energy-efficient and sustainable buildings.—

91 (4) (a) All state agencies, county officials, boards of
92 county commissioners, school boards, city councils, city
93 commissioners, and all other public officers of state boards or
94 commissions that are charged with the letting of contracts for
95 public work, for the construction of public bridges, buildings,
96 and other structures must specify in the contract lumber,
97 timber, and other forest products produced and manufactured in
98 this state if wood is a component of the public work and if such
99 products are available and their price, fitness, and quality are
100 equal.

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(b) This subsection does not apply:

1. To plywood specified for monolithic concrete forms.

2. If the structural or service requirements for timber for a particular job cannot be supplied by native species.

3. If the construction is financed in whole or in part from federal funds with the requirement that there be no restrictions as to species or place of manufacture.

4. To transportation projects for which federal aid funds are available.

Section 4. Paragraph (a) of subsection (4) of section 255.257, Florida Statutes, is amended to read:

255.257 Energy management; buildings occupied by state agencies.—

(4) ADOPTION OF STANDARDS.—

(a) Each ~~All~~ state agency ~~agencies~~ shall use ~~adopt~~ a sustainable building rating system or ~~use~~ a national model green building code for each ~~all~~ new building ~~buildings~~ and renovation ~~renovations~~ to an existing building ~~buildings~~.

Section 5. Paragraph (aa) of subsection (4) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section, but shall not make the issuance of such permits contingent upon prior approval by the

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129 Department of Environmental Protection, except that the issuance
130 of a permit for work seaward of the coastal construction control
131 line established under s. 161.053 shall be contingent upon
132 receipt of any required coastal construction control line permit
133 from the Department of Environmental Protection. A construction
134 permit is valid for 18 months from the issuance date and may be
135 extended by the department for one 90-day period under rules
136 adopted by the department. A repair permit is valid for 90 days
137 from the date of issuance. An operating permit must be obtained
138 prior to the use of any aerobic treatment unit or if the
139 establishment generates commercial waste. Buildings or
140 establishments that use an aerobic treatment unit or generate
141 commercial waste shall be inspected by the department at least
142 annually to assure compliance with the terms of the operating
143 permit. The operating permit for a commercial wastewater system
144 is valid for 1 year from the date of issuance and must be
145 renewed annually. The operating permit for an aerobic treatment
146 unit is valid for 2 years from the date of issuance and must be
147 renewed every 2 years. If all information pertaining to the
148 siting, location, and installation conditions or repair of an
149 onsite sewage treatment and disposal system remains the same, a
150 construction or repair permit for the onsite sewage treatment
151 and disposal system may be transferred to another person, if the
152 transferee files, within 60 days after the transfer of
153 ownership, an amended application providing all corrected
154 information and proof of ownership of the property. There is no
155 fee associated with the processing of this supplemental
156 information. A person may not contract to construct, modify,

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157 | alter, repair, service, abandon, or maintain any portion of an
158 | onsite sewage treatment and disposal system without being
159 | registered under part III of chapter 489. A property owner who
160 | personally performs construction, maintenance, or repairs to a
161 | system serving his or her own owner-occupied single-family
162 | residence is exempt from registration requirements for
163 | performing such construction, maintenance, or repairs on that
164 | residence, but is subject to all permitting requirements. A
165 | municipality or political subdivision of the state may not issue
166 | a building or plumbing permit for any building that requires the
167 | use of an onsite sewage treatment and disposal system unless the
168 | owner or builder has received a construction permit for such
169 | system from the department. A building or structure may not be
170 | occupied and a municipality, political subdivision, or any state
171 | or federal agency may not authorize occupancy until the
172 | department approves the final installation of the onsite sewage
173 | treatment and disposal system. A municipality or political
174 | subdivision of the state may not approve any change in occupancy
175 | or tenancy of a building that uses an onsite sewage treatment
176 | and disposal system until the department has reviewed the use of
177 | the system with the proposed change, approved the change, and
178 | amended the operating permit.

179 | (aa) An existing-system inspection or evaluation and
180 | assessment or a modification, replacement, or upgrade of an
181 | onsite sewage treatment and disposal system is not required for
182 | a remodeling addition or modification to a single-family home if
183 | a bedroom is not added. However, a remodeling addition or
184 | modification to a single-family home may not cover any part of

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185 the existing system or encroach upon a required setback or the
186 unobstructed area. To determine whether a setback or the
187 unobstructed area is impacted, the local health department shall
188 review and verify a floor plan and site plan of the proposed
189 remodeling addition or modification to the home submitted by a
190 remodeler that shows the location of the system, including the
191 distance of the remodeling addition or modification to the home
192 from the onsite sewage treatment and disposal system. The local
193 health department may visit the site or otherwise determine the
194 best means of verifying the information submitted. A
195 verification of the location of a system is not an inspection or
196 evaluation and assessment of the system. The review and
197 verification must be completed within 7 business days after
198 receipt by the local health department of a floor plan and site
199 plan. If the review and verification is not completed within
200 such time, the remodeling addition or modification to the
201 single-family home, for the purposes of this paragraph, is
202 approved.

203 Section 6. Effective October 1, 2014, subsection (23) is
204 added to section 489.103, Florida Statutes, to read:

205 489.103 Exemptions.—This part does not apply to:

206 (23) An owner or operator of a public swimming pool or spa
207 permitted under s. 514.031, an entity under common ownership or
208 control with the owner or operator, or a direct employee of the
209 owner, operator, or related entity, who undertakes to maintain
210 the swimming pool or spa for the purpose of water treatment.

211 Section 7. Effective October 1, 2014, subsection (3) of
212 section 489.105, Florida Statutes, is amended to read:

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213 489.105 Definitions.—As used in this part:

214 (3) "Contractor" means the person who is qualified for,
215 and is only responsible for, the project contracted for and
216 means, except as exempted in this part, the person who, for
217 compensation, undertakes to, submits a bid to, or does himself
218 or herself or by others construct, repair, alter, remodel, add
219 to, demolish, maintain for purposes of water treatment, subtract
220 from, or improve any building or structure, including related
221 improvements to real estate, for others or for resale to others;
222 and whose job scope is substantially similar to the job scope
223 described in one of the paragraphs of this subsection. For the
224 purposes of regulation under this part, the term "demolish"
225 applies only to demolition of steel tanks more than 50 feet in
226 height; towers more than 50 feet in height; other structures
227 more than 50 feet in height; and all buildings or residences.
228 For purposes of regulation under this part, the phrase "maintain
229 for purposes of water treatment" applies only to cleaning,
230 maintenance, and water treatment of swimming pools and spas.

231 Contractors are subdivided into two divisions, Division I,
232 consisting of those contractors defined in paragraphs (a)-(c),
233 and Division II, consisting of those contractors defined in
234 paragraphs (d)-(q):

235 (a) "General contractor" means a contractor whose services
236 are unlimited as to the type of work which he or she may do, who
237 may contract for any activity requiring licensure under this
238 part, and who may perform any work requiring licensure under
239 this part, except as otherwise expressly provided in s. 489.113.

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240 (b) "Building contractor" means a contractor whose
241 services are limited to construction of commercial buildings and
242 single-dwelling or multiple-dwelling residential buildings,
243 which do not exceed three stories in height, and accessory use
244 structures in connection therewith or a contractor whose
245 services are limited to remodeling, repair, or improvement of
246 any size building if the services do not affect the structural
247 members of the building.

248 (c) "Residential contractor" means a contractor whose
249 services are limited to construction, remodeling, repair, or
250 improvement of one-family, two-family, or three-family
251 residences not exceeding two habitable stories above no more
252 than one uninhabitable story and accessory use structures in
253 connection therewith.

254 (d) "Sheet metal contractor" means a contractor whose
255 services are unlimited in the sheet metal trade and who has the
256 experience, knowledge, and skill necessary for the manufacture,
257 fabrication, assembling, handling, erection, installation,
258 dismantling, conditioning, adjustment, insulation, alteration,
259 repair, servicing, or design, if not prohibited by law, of
260 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
261 equivalent or lighter gauge and of other materials, including,
262 but not limited to, fiberglass, used in lieu thereof and of air-
263 handling systems, including the setting of air-handling
264 equipment and reinforcement of same, the balancing of air-
265 handling systems, and any duct cleaning and equipment sanitizing
266 that requires at least a partial disassembling of the system.

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267 (e) "Roofing contractor" means a contractor whose services
268 are unlimited in the roofing trade and who has the experience,
269 knowledge, and skill to install, maintain, repair, alter,
270 extend, or design, if not prohibited by law, and use materials
271 and items used in the installation, maintenance, extension, and
272 alteration of all kinds of roofing, waterproofing, and coating,
273 except when coating is not represented to protect, repair,
274 waterproof, stop leaks, or extend the life of the roof. The
275 scope of work of a roofing contractor also includes skylights
276 and any related work, required roof-deck attachments, and any
277 repair or replacement of wood roof sheathing or fascia as needed
278 during roof repair or replacement and any related work.

279 (f) "Class A air-conditioning contractor" means a
280 contractor whose services are unlimited in the execution of
281 contracts requiring the experience, knowledge, and skill to
282 install, maintain, repair, fabricate, alter, extend, or design,
283 if not prohibited by law, central air-conditioning,
284 refrigeration, heating, and ventilating systems, including duct
285 work in connection with a complete system if such duct work is
286 performed by the contractor as necessary to complete an air-
287 distribution system, boiler and unfired pressure vessel systems,
288 and all appurtenances, apparatus, or equipment used in
289 connection therewith, and any duct cleaning and equipment
290 sanitizing that requires at least a partial disassembling of the
291 system; to install, maintain, repair, fabricate, alter, extend,
292 or design, if not prohibited by law, piping, insulation of
293 pipes, vessels and ducts, pressure and process piping, and
294 pneumatic control piping; to replace, disconnect, or reconnect

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295 power wiring on the load side of the dedicated existing
296 electrical disconnect switch; to install, disconnect, and
297 reconnect low voltage heating, ventilating, and air-conditioning
298 control wiring; and to install a condensate drain from an air-
299 conditioning unit to an existing safe waste or other approved
300 disposal other than a direct connection to a sanitary system.
301 The scope of work for such contractor also includes any
302 excavation work incidental thereto, but does not include any
303 work such as liquefied petroleum or natural gas fuel lines
304 within buildings, except for disconnecting or reconnecting
305 changeouts of liquefied petroleum or natural gas appliances
306 within buildings; potable water lines or connections thereto;
307 sanitary sewer lines; swimming pool piping and filters; or
308 electrical power wiring. A Class A air-conditioning contractor
309 may test and evaluate central air-conditioning, refrigeration,
310 heating, and ventilating systems, including duct work; however,
311 a mandatory licensing requirement is not established for the
312 performance of these specific services.

313 (g) "Class B air-conditioning contractor" means a
314 contractor whose services are limited to 25 tons of cooling and
315 500,000 Btu of heating in any one system in the execution of
316 contracts requiring the experience, knowledge, and skill to
317 install, maintain, repair, fabricate, alter, extend, or design,
318 if not prohibited by law, central air-conditioning,
319 refrigeration, heating, and ventilating systems, including duct
320 work in connection with a complete system only to the extent
321 such duct work is performed by the contractor as necessary to
322 complete an air-distribution system being installed under this

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323 classification, and any duct cleaning and equipment sanitizing
324 that requires at least a partial disassembling of the system; to
325 install, maintain, repair, fabricate, alter, extend, or design,
326 if not prohibited by law, piping and insulation of pipes,
327 vessels, and ducts; to replace, disconnect, or reconnect power
328 wiring on the load side of the dedicated existing electrical
329 disconnect switch; to install, disconnect, and reconnect low
330 voltage heating, ventilating, and air-conditioning control
331 wiring; and to install a condensate drain from an air-
332 conditioning unit to an existing safe waste or other approved
333 disposal other than a direct connection to a sanitary system.
334 The scope of work for such contractor also includes any
335 excavation work incidental thereto, but does not include any
336 work such as liquefied petroleum or natural gas fuel lines
337 within buildings, except for disconnecting or reconnecting
338 changeouts of liquefied petroleum or natural gas appliances
339 within buildings; potable water lines or connections thereto;
340 sanitary sewer lines; swimming pool piping and filters; or
341 electrical power wiring. A Class B air-conditioning contractor
342 may test and evaluate central air-conditioning, refrigeration,
343 heating, and ventilating systems, including duct work; however,
344 a mandatory licensing requirement is not established for the
345 performance of these specific services.

346 (h) "Class C air-conditioning contractor" means a
347 contractor whose business is limited to the servicing of air-
348 conditioning, heating, or refrigeration systems, including any
349 duct cleaning and equipment sanitizing that requires at least a
350 partial disassembling of the system, and whose certification or

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351 registration, issued pursuant to this part, was valid on October
352 1, 1988. Only a person who was registered or certified as a
353 Class C air-conditioning contractor as of October 1, 1988, shall
354 be so registered or certified after October 1, 1988. However,
355 the board shall continue to license and regulate those Class C
356 air-conditioning contractors who held Class C licenses before
357 October 1, 1988.

358 (i) "Mechanical contractor" means a contractor whose
359 services are unlimited in the execution of contracts requiring
360 the experience, knowledge, and skill to install, maintain,
361 repair, fabricate, alter, extend, or design, if not prohibited
362 by law, central air-conditioning, refrigeration, heating, and
363 ventilating systems, including duct work in connection with a
364 complete system if such duct work is performed by the contractor
365 as necessary to complete an air-distribution system, boiler and
366 unfired pressure vessel systems, lift station equipment and
367 piping, and all appurtenances, apparatus, or equipment used in
368 connection therewith, and any duct cleaning and equipment
369 sanitizing that requires at least a partial disassembling of the
370 system; to install, maintain, repair, fabricate, alter, extend,
371 or design, if not prohibited by law, piping, insulation of
372 pipes, vessels and ducts, pressure and process piping, pneumatic
373 control piping, gasoline tanks and pump installations and piping
374 for same, standpipes, air piping, vacuum line piping, oxygen
375 lines, nitrous oxide piping, ink and chemical lines, fuel
376 transmission lines, liquefied petroleum gas lines within
377 buildings, and natural gas fuel lines within buildings; to
378 replace, disconnect, or reconnect power wiring on the load side

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379 of the dedicated existing electrical disconnect switch; to
380 install, disconnect, and reconnect low voltage heating,
381 ventilating, and air-conditioning control wiring; and to install
382 a condensate drain from an air-conditioning unit to an existing
383 safe waste or other approved disposal other than a direct
384 connection to a sanitary system. The scope of work for such
385 contractor also includes any excavation work incidental thereto,
386 but does not include any work such as potable water lines or
387 connections thereto, sanitary sewer lines, swimming pool piping
388 and filters, or electrical power wiring. A mechanical contractor
389 may test and evaluate central air-conditioning, refrigeration,
390 heating, and ventilating systems, including duct work; however,
391 a mandatory licensing requirement is not established for the
392 performance of these specific services.

393 (j) "Commercial pool/spa contractor" means a contractor
394 whose scope of work involves, but is not limited to, the
395 construction, repair, water treatment, maintenance, and
396 servicing of any swimming pool, or hot tub or spa, whether
397 public, private, or otherwise, regardless of use. The scope of
398 work includes the installation, repair, or replacement of
399 existing equipment, ~~any cleaning or equipment sanitizing that~~
400 ~~requires at least a partial disassembling, excluding filter~~
401 ~~changes,~~ and the installation of new pool/spa equipment,
402 interior finishes, the installation of package pool heaters, the
403 installation of all perimeter piping and filter piping, and the
404 construction of equipment rooms or housing for pool/spa
405 equipment, and also includes the scope of work of a swimming
406 pool/spa servicing contractor. The scope of such work does not

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407 include direct connections to a sanitary sewer system or to
408 potable water lines. ~~The installation, construction,~~
409 ~~modification, or replacement of equipment permanently attached~~
410 ~~to and associated with the pool or spa for the purpose of water~~
411 ~~treatment or cleaning of the pool or spa requires licensure;~~
412 ~~however, the usage of such equipment for the purposes of water~~
413 ~~treatment or cleaning does not require licensure unless the~~
414 ~~usage involves construction, modification, or replacement of~~
415 ~~such equipment. Water treatment that does not require such~~
416 ~~equipment does not require a license. In addition, a license is~~
417 ~~not required for the cleaning of the pool or spa in a way that~~
418 ~~does not affect the structural integrity of the pool or spa or~~
419 ~~its associated equipment.~~

420 (k) "Residential pool/spa contractor" means a contractor
421 whose scope of work involves, but is not limited to, the
422 construction, repair, water treatment, maintenance, and
423 servicing of a residential swimming pool, or hot tub or spa,
424 regardless of use. The scope of work includes the installation,
425 repair, or replacement of existing equipment, ~~any cleaning or~~
426 ~~equipment sanitizing that requires at least a partial~~
427 ~~disassembling, excluding filter changes, and the installation of~~
428 new pool/spa equipment, interior finishes, the installation of
429 package pool heaters, the installation of all perimeter piping
430 and filter piping, and the construction of equipment rooms or
431 housing for pool/spa equipment, and also includes the scope of
432 work of a swimming pool/spa servicing contractor. The scope of
433 such work does not include direct connections to a sanitary
434 sewer system or to potable water lines. ~~The installation,~~

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435 ~~construction, modification, or replacement of equipment~~
436 ~~permanently attached to and associated with the pool or spa for~~
437 ~~the purpose of water treatment or cleaning of the pool or spa~~
438 ~~requires licensure; however, the usage of such equipment for the~~
439 ~~purposes of water treatment or cleaning does not require~~
440 ~~licensure unless the usage involves construction, modification,~~
441 ~~or replacement of such equipment. Water treatment that does not~~
442 ~~require such equipment does not require a license. In addition,~~
443 ~~a license is not required for the cleaning of the pool or spa in~~
444 ~~a way that does not affect the structural integrity of the pool~~
445 ~~or spa or its associated equipment.~~

446 (1) "Swimming pool/spa servicing contractor" means a
447 contractor whose scope of work involves, but is not limited to,
448 the repair, water treatment, maintenance, and servicing of a
449 swimming pool, or hot tub or spa, whether public or private, or
450 otherwise, regardless of use. The scope of work includes the
451 repair or replacement of existing equipment, any sanitation,
452 chemical balancing, routine maintenance or cleaning, ~~or~~
453 ~~equipment sanitizing that requires at least a partial~~
454 ~~disassembling, excluding filter changes, and the installation of~~
455 new pool/spa equipment, interior refinishing, the reinstallation
456 or addition of pool heaters, the repair or replacement of all
457 perimeter piping and filter piping, the repair of equipment
458 rooms or housing for pool/spa equipment, and the substantial or
459 complete draining of a swimming pool, or hot tub or spa, for the
460 purpose of repair, ~~or~~ renovation, or water treatment. The scope
461 of such work does not include direct connections to a sanitary
462 sewer system or to potable water lines. ~~The installation,~~

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463 ~~construction, modification, substantial or complete disassembly,~~
464 ~~or replacement of equipment permanently attached to and~~
465 ~~associated with the pool or spa for the purpose of water~~
466 ~~treatment or cleaning of the pool or spa requires licensure;~~
467 ~~however, the usage of such equipment for the purposes of water~~
468 ~~treatment or cleaning does not require licensure unless the~~
469 ~~usage involves construction, modification, substantial or~~
470 ~~complete disassembly, or replacement of such equipment. Water~~
471 ~~treatment that does not require such equipment does not require~~
472 ~~a license. In addition, a license is not required for the~~
473 ~~cleaning of the pool or spa in a way that does not affect the~~
474 ~~structural integrity of the pool or spa or its associated~~
475 ~~equipment.~~

476 (m) "Plumbing contractor" means a contractor whose
477 services are unlimited in the plumbing trade and includes
478 contracting business consisting of the execution of contracts
479 requiring the experience, financial means, knowledge, and skill
480 to install, maintain, repair, alter, extend, or, if not
481 prohibited by law, design plumbing. A plumbing contractor may
482 install, maintain, repair, alter, extend, or, if not prohibited
483 by law, design the following without obtaining an additional
484 local regulatory license, certificate, or registration: sanitary
485 drainage or storm drainage facilities, water and sewer plants
486 and substations, venting systems, public or private water supply
487 systems, septic tanks, drainage and supply wells, swimming pool
488 piping, irrigation systems, and solar heating water systems and
489 all appurtenances, apparatus, or equipment used in connection
490 therewith, including boilers and pressure process piping and

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491 including the installation of water, natural gas, liquefied
492 petroleum gas and related venting, and storm and sanitary sewer
493 lines. The scope of work of the plumbing contractor also
494 includes the design, if not prohibited by law, and installation,
495 maintenance, repair, alteration, or extension of air-piping,
496 vacuum line piping, oxygen line piping, nitrous oxide piping,
497 and all related medical gas systems; fire line standpipes and
498 fire sprinklers if authorized by law; ink and chemical lines;
499 fuel oil and gasoline piping and tank and pump installation,
500 except bulk storage plants; and pneumatic control piping
501 systems, all in a manner that complies with all plans,
502 specifications, codes, laws, and regulations applicable. The
503 scope of work of the plumbing contractor applies to private
504 property and public property, including any excavation work
505 incidental thereto, and includes the work of the specialty
506 plumbing contractor. Such contractor shall subcontract, with a
507 qualified contractor in the field concerned, all other work
508 incidental to the work but which is specified as being the work
509 of a trade other than that of a plumbing contractor. This
510 definition does not limit the scope of work of any specialty
511 contractor certified pursuant to s. 489.113(6), and does not
512 require certification or registration under this part of any
513 authorized employee of a public natural gas utility or of a
514 private natural gas utility regulated by the Public Service
515 Commission when disconnecting and reconnecting water lines in
516 the servicing or replacement of an existing water heater. A
517 plumbing contractor may perform drain cleaning and clearing and
518 install or repair rainwater catchment systems; however, a

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519 mandatory licensing requirement is not established for the
520 performance of these specific services.

521 (n) "Underground utility and excavation contractor" means
522 a contractor whose services are limited to the construction,
523 installation, and repair, on public or private property, whether
524 accomplished through open excavations or through other means,
525 including, but not limited to, directional drilling, auger
526 boring, jacking and boring, trenchless technologies, wet and dry
527 taps, grouting, and slip lining, of main sanitary sewer
528 collection systems, main water distribution systems, storm sewer
529 collection systems, and the continuation of utility lines from
530 the main systems to a point of termination up to and including
531 the meter location for the individual occupancy, sewer
532 collection systems at property line on residential or single-
533 occupancy commercial properties, or on multioccupancy properties
534 at manhole or wye lateral extended to an invert elevation as
535 engineered to accommodate future building sewers, water
536 distribution systems, or storm sewer collection systems at storm
537 sewer structures. However, an underground utility and excavation
538 contractor may install empty underground conduits in rights-of-
539 way, easements, platted rights-of-way in new site development,
540 and sleeves for parking lot crossings no smaller than 2 inches
541 in diameter if each conduit system installed is designed by a
542 licensed professional engineer or an authorized employee of a
543 municipality, county, or public utility and the installation of
544 such conduit does not include installation of any conductor
545 wiring or connection to an energized electrical system. An
546 underground utility and excavation contractor may not install

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547 piping that is an integral part of a fire protection system as
548 defined in s. 633.021 beginning at the point where the piping is
549 used exclusively for such system.

550 (o) "Solar contractor" means a contractor whose services
551 consist of the installation, alteration, repair, maintenance,
552 relocation, or replacement of solar panels for potable solar
553 water heating systems, swimming pool solar heating systems, and
554 photovoltaic systems and any appurtenances, apparatus, or
555 equipment used in connection therewith, whether public, private,
556 or otherwise, regardless of use. A contractor, certified or
557 registered pursuant to this chapter, is not required to become a
558 certified or registered solar contractor or to contract with a
559 solar contractor in order to provide services enumerated in this
560 paragraph that are within the scope of the services such
561 contractors may render under this part.

562 (p) "Pollutant storage systems contractor" means a
563 contractor whose services are limited to, and who has the
564 experience, knowledge, and skill to install, maintain, repair,
565 alter, extend, or design, if not prohibited by law, and use
566 materials and items used in the installation, maintenance,
567 extension, and alteration of, pollutant storage tanks. Any
568 person installing a pollutant storage tank shall perform such
569 installation in accordance with the standards adopted pursuant
570 to s. 376.303.

571 (q) "Specialty contractor" means a contractor whose scope
572 of work and responsibility is limited to a particular phase of
573 construction established in a category adopted by board rule and

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574 whose scope is limited to a subset of the activities described
575 in one of the paragraphs of this subsection.

576 Section 8. Effective October 1, 2014, subsection (2) of
577 section 489.111, Florida Statutes, is amended to read:

578 489.111 Licensure by examination.—

579 (2) A person shall be eligible for licensure by
580 examination if the person:

581 (a) Is 18 years of age;

582 (b) Is of good moral character; and

583 (c) Meets eligibility requirements according to one of the
584 following criteria:

585 1. Has received a baccalaureate degree from an accredited
586 4-year college in the appropriate field of engineering,
587 architecture, or building construction and has 1 year of proven
588 experience in the category in which the person seeks to qualify.
589 For the purpose of this part, a minimum of 2,000 person-hours
590 shall be used in determining full-time equivalency.

591 2. Has a total of at least 4 years of active experience as
592 a worker who has learned the trade by serving an apprenticeship
593 as a skilled worker who is able to command the rate of a
594 mechanic in the particular trade or as a foreman who is in
595 charge of a group of workers and usually is responsible to a
596 superintendent or a contractor or his or her equivalent,
597 provided, however, that at least 1 year of active experience
598 shall be as a foreman.

599 3. Has a combination of not less than 1 year of experience
600 as a foreman and not less than 3 years of credits for any
601 accredited college-level courses; has a combination of not less

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602 than 1 year of experience as a skilled worker, 1 year of
603 experience as a foreman, and not less than 2 years of credits
604 for any accredited college-level courses; or has a combination
605 of not less than 2 years of experience as a skilled worker, 1
606 year of experience as a foreman, and not less than 1 year of
607 credits for any accredited college-level courses. All junior
608 college or community college-level courses shall be considered
609 accredited college-level courses.

610 4.a. An active certified residential contractor is
611 eligible to take the building contractors' examination if he or
612 she possesses a minimum of 3 years of proven experience in the
613 classification in which he or she is certified.

614 b. An active certified residential contractor is eligible
615 to take the general contractors' examination if he or she
616 possesses a minimum of 4 years of proven experience in the
617 classification in which he or she is certified.

618 c. An active certified building contractor is eligible to
619 take the general contractors' examination if he or she possesses
620 a minimum of 4 years of proven experience in the classification
621 in which he or she is certified.

622 5.a. An active certified air-conditioning Class C
623 contractor is eligible to take the air-conditioning Class B
624 contractors' examination if he or she possesses a minimum of 3
625 years of proven experience in the classification in which he or
626 she is certified.

627 b. An active certified air-conditioning Class C contractor
628 is eligible to take the air-conditioning Class A contractors'
629 examination if he or she possesses a minimum of 4 years of

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630 proven experience in the classification in which he or she is
631 certified.

632 c. An active certified air-conditioning Class B contractor
633 is eligible to take the air-conditioning Class A contractors'
634 examination if he or she possesses a minimum of 1 year of proven
635 experience in the classification in which he or she is
636 certified.

637 6.a. An active certified swimming pool servicing
638 contractor is eligible to take the residential swimming pool
639 contractors' examination if he or she possesses a minimum of 3
640 years of proven experience in the classification in which he or
641 she is certified.

642 b. An active certified swimming pool servicing contractor
643 is eligible to take the swimming pool commercial contractors'
644 examination if he or she possesses a minimum of 4 years of
645 proven experience in the classification in which he or she is
646 certified.

647 c. An active certified residential swimming pool
648 contractor is eligible to take the commercial swimming pool
649 contractors' examination if he or she possesses a minimum of 1
650 year of proven experience in the classification in which he or
651 she is certified.

652 d. An applicant is eligible to take the swimming pool/spa
653 servicing contractors' examination if he or she has
654 satisfactorily completed 60 hours of instruction in courses and
655 20 hours of field hands-on instruction related to the scope of
656 work covered by that license and approved by the Construction
657 Industry Licensing Board by rule ~~and has at least 1 year of~~

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658 ~~proven experience related to the scope of work of such a~~
659 ~~contractor.~~

660 Section 9. The amendments made by section 11 of chapter
661 2012-13, Laws of Florida, to s. 489.113(2), Florida Statutes,
662 were remedial in nature and intended to clarify existing law.
663 This section applies retroactively to any action initiated or
664 pending on or after March 23, 2012.

665 Section 10. Paragraphs (c) and (f) of subsection (5) and
666 subsection (6) of section 489.127, Florida Statutes, are amended
667 to read:

668 489.127 Prohibitions; penalties.—

669 (5) Each county or municipality may, at its option,
670 designate one or more of its code enforcement officers, as
671 defined in chapter 162, to enforce, as set out in this
672 subsection, the provisions of subsection (1) and s. 489.132(1)
673 against persons who engage in activity for which a county or
674 municipal certificate of competency or license or state
675 certification or registration is required.

676 (c) The local governing body of the county or municipality
677 ~~may~~ is authorized to enforce codes and ordinances against
678 unlicensed contractors under ~~the provisions of~~ this subsection
679 and may enact an ordinance establishing procedures for
680 implementing this subsection, including a schedule of penalties
681 to be assessed by the code enforcement officer. The maximum
682 civil penalty that ~~which~~ may be levied may ~~shall~~ not exceed
683 \$2,000 ~~\$500~~. Moneys collected pursuant to this subsection shall
684 be retained locally, as provided for by local ordinance, and may

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685 be set aside in a specific fund to support future enforcement
686 activities against unlicensed contractors.

687 (f) If the enforcement or licensing board or designated
688 special magistrate finds that a violation exists, the
689 enforcement or licensing board or designated special magistrate
690 may order the violator to pay a civil penalty of not less than
691 the amount set forth on the citation but not more than \$2,500
692 ~~\$1,000~~ per day for each violation. In determining the amount of
693 the penalty, the enforcement or licensing board or designated
694 special magistrate shall consider the following factors:

- 695 1. The gravity of the violation.
- 696 2. Any actions taken by the violator to correct the
697 violation.
- 698 3. Any previous violations committed by the violator.

699 (6) Local building departments may collect outstanding
700 fines against registered or certified contractors issued by the
701 Construction Industry Licensing Board and may retain 75 ~~25~~
702 percent of the fines they are able to collect, provided that
703 they transmit 25 ~~75~~ percent of the fines they are able to
704 collect to the department according to a procedure to be
705 determined by the department.

706 Section 11. Paragraph (a) of subsection (7) of section
707 489.131, Florida Statutes, is amended to read:

708 489.131 Applicability.—

709 (7) (a) It is the policy of the state that the purpose of
710 regulation is to protect the public by attaining compliance with
711 the policies established in law. Fines and other penalties are
712 provided in order to ensure compliance; ~~however, the collection~~

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713 ~~of fines and the imposition of penalties are intended to be~~
714 ~~secondary to the primary goal of attaining compliance with state~~
715 ~~laws and local jurisdiction ordinances. It is the intent of the~~
716 ~~Legislature that a local jurisdiction agency charged with~~
717 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
718 ~~as its first response to a minor violation of a regulatory law~~
719 ~~in any instance in which it is reasonable to assume that the~~
720 ~~violator was unaware of such a law or unclear as to how to~~
721 ~~comply with it. A violation of a regulatory law is a "minor~~
722 ~~violation" if it does not result in economic or physical harm to~~
723 ~~a person or adversely affect the public health, safety, or~~
724 ~~welfare or create a significant threat of such harm. A "notice~~
725 ~~of noncompliance" is a notification by the local jurisdiction~~
726 ~~agency charged with enforcing the ordinance, which is issued to~~
727 ~~the licensee that is subject to the ordinance. A notice of~~
728 ~~noncompliance should not be accompanied with a fine or other~~
729 ~~disciplinary penalty. It should identify the specific ordinance~~
730 ~~that is being violated, provide information on how to comply~~
731 ~~with the ordinance, and specify a reasonable time for the~~
732 ~~violator to comply with the ordinance. Failure of a licensee to~~
733 ~~take action correcting the violation within a set period of time~~
734 ~~would then result in the institution of further disciplinary~~
735 ~~proceedings.~~

736 Section 12. Section 489.514, Florida Statutes, is amended
737 to read:

738 489.514 Certification for registered contractors;
739 grandfathering provisions.—

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740 (1) The board shall, upon receipt of a completed
741 application, appropriate fee, and proof of compliance with the
742 provisions of this section, issue:

743 (a) To an applying registered electrical contractor, a
744 certificate as an electrical contractor, as defined in s.
745 489.505(12); ~~or~~

746 (b) To an applying registered alarm system contractor, a
747 certificate in the matching alarm system contractor category, as
748 defined in s. 489.505(2) (a) or (b); or

749 (c) To an applying registered electrical specialty
750 contractor, a certificate in the matching electrical specialty
751 contractor category, as defined in s. 489.505(19).

752 (2) Any contractor registered under this part who makes
753 application under this section to the board shall meet each of
754 the following requirements for certification:

755 (a) Currently holds a valid registered local license in
756 the category of electrical contractor, alarm system contractor,
757 or electrical specialty contractor.

758 (b) Has, for that category, passed a written, proctored
759 examination that the board finds to be substantially similar to
760 the examination required to be licensed as a certified
761 contractor under this part. For purposes of this subsection, a
762 written, proctored examination such as that produced by the
763 National Assessment Institute, Block and Associates, NAI/Block,
764 Experior Assessments, Professional Testing, Inc., or Assessment
765 Systems, Inc., shall be considered to be substantially similar
766 to the examination required to be licensed as a certified

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767 contractor. The board may not impose or make any requirements
768 regarding the nature or content of these cited examinations.

769 (c) Has at least 5 years of experience as a contractor in
770 that contracting category, or as an inspector or building
771 administrator with oversight over that category, at the time of
772 application. For contractors, only time periods in which the
773 contractor license is active and the contractor is not on
774 probation shall count toward the 5 years required under this
775 subsection.

776 (d) Has not had his or her contractor's license revoked at
777 any time, had his or her contractor's license suspended in the
778 last 5 years, or been assessed a fine in excess of \$500 in the
779 last 5 years.

780 (e) Is in compliance with the insurance and financial
781 responsibility requirements in s. 489.515(1)(b).

782 (3) An applicant must make application by November 1, 2015
783 ~~2004~~, to be licensed pursuant to this section.

784 Section 13. Paragraphs (c) and (f) of subsection (4) of
785 section 489.531, Florida Statutes, are amended to read:

786 489.531 Prohibitions; penalties.—

787 (4) Each county or municipality may, at its option,
788 designate one or more of its code enforcement officers, as
789 defined in chapter 162, to enforce, as set out in this
790 subsection, ~~the provisions of~~ subsection (1) against persons who
791 engage in activity for which county or municipal certification
792 is required.

793 (c) The local governing body of the county or municipality
794 may ~~is authorized to~~ enforce codes and ordinances against

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795 unlicensed contractors under ~~the provisions of~~ this section and
796 may enact an ordinance establishing procedures for implementing
797 this section, including a schedule of penalties to be assessed
798 by the code enforcement officers. The maximum civil penalty that
799 ~~which~~ may be levied may shall not exceed \$2,000 ~~\$500~~. Moneys
800 collected pursuant to this section shall be retained locally as
801 provided for by local ordinance and may be set aside in a
802 specific fund to support future enforcement activities against
803 unlicensed contractors.

804 (f) If the enforcement or licensing board or designated
805 special magistrate finds that a violation exists, the
806 enforcement or licensing board or designated special magistrate
807 may order the violator to pay a civil penalty of not less than
808 the amount set forth on the citation but not more than \$2,500
809 ~~\$500~~ per day for each violation. In determining the amount of
810 the penalty, the enforcement or licensing board or designated
811 special magistrate shall consider the following factors:

- 812 1. The gravity of the violation.
- 813 2. Any actions taken by the violator to correct the
814 violation.
- 815 3. Any previous violations committed by the violator.

816 Section 14. Subsections (6) through (11) of section
817 553.71, Florida Statutes, are renumbered as subsections (7)
818 through (12), respectively, and a new subsection (6) is added to
819 that section to read:

820 553.71 Definitions.—As used in this part, the term:

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821 (6) "Local technical amendment" means an action by a local
822 governing authority that results in a technical change to the
823 Florida Building Code and its local enforcement.

824 Section 15. Subsection (17) of section 553.73, Florida
825 Statutes, is amended to read:

826 553.73 Florida Building Code.—

827 (17) A provision ~~The provisions of section R313 of the~~
828 ~~most current version~~ of the International Residential Code
829 relating to mandated fire sprinklers may not be incorporated
830 into the Florida Building Code as adopted by the Florida
831 Building Commission and may not be adopted as a local amendment
832 to the Florida Building Code. This subsection does not prohibit
833 the application of cost-saving incentives for residential fire
834 sprinklers that are authorized in the International Residential
835 Code upon a mutual agreement between the builder and the code
836 official. This subsection does not apply to a local government
837 that has a lawfully adopted ordinance relating to fire
838 sprinklers which has been in effect since January 1, 2010.

839 Section 16. Subsection (1) of section 553.74, Florida
840 Statutes, is amended to read:

841 553.74 Florida Building Commission.—

842 (1) The Florida Building Commission is created and located
843 within the Department of Business and Professional Regulation
844 for administrative purposes. Members are ~~shall be~~ appointed by
845 the Governor subject to confirmation by the Senate. The
846 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of
847 the following:

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848 (a) One architect registered to practice in this state and
849 actively engaged in the profession. The American Institute of
850 Architects, Florida Section, is encouraged to recommend a list
851 of candidates for consideration.

852 (b) One structural engineer registered to practice in this
853 state and actively engaged in the profession. The Florida
854 Engineering Society is encouraged to recommend a list of
855 candidates for consideration.

856 (c) One air-conditioning or mechanical contractor
857 certified to do business in this state and actively engaged in
858 the profession. The Florida Air Conditioning Contractors
859 Association, the Florida Refrigeration and Air Conditioning
860 Contractors Association, and the Mechanical Contractors
861 Association of Florida are encouraged to recommend a list of
862 candidates for consideration.

863 (d) One electrical contractor certified to do business in
864 this state and actively engaged in the profession. The Florida
865 Electrical Contractors Association and the National Electrical
866 Contractors Association, Florida Chapter, are encouraged to
867 recommend a list of candidates for consideration.

868 (e) One member from fire protection engineering or
869 technology who is actively engaged in the profession. The
870 Florida Chapter of the Society of Fire Protection Engineers and
871 the Florida Fire Marshals and Inspectors Association are
872 encouraged to recommend a list of candidates for consideration.

873 (f) One general contractor certified to do business in
874 this state and actively engaged in the profession. The
875 Associated Builders and Contractors of Florida, the Florida

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876 Associated General Contractors Council, and the Union
877 Contractors Association are encouraged to recommend a list of
878 candidates for consideration.

879 (g) One plumbing contractor licensed to do business in
880 this state and actively engaged in the profession. The Florida
881 Association of Plumbing, Heating, and Cooling Contractors is
882 encouraged to recommend a list of candidates for consideration.

883 (h) One roofing or sheet metal contractor certified to do
884 business in this state and actively engaged in the profession.
885 The Florida Roofing, Sheet Metal, and Air Conditioning
886 Contractors Association and the Sheet Metal and Air Conditioning
887 Contractors National Association are encouraged to recommend a
888 list of candidates for consideration.

889 (i) One residential contractor licensed to do business in
890 this state and actively engaged in the profession. The Florida
891 Home Builders Association is encouraged to recommend a list of
892 candidates for consideration.

893 (j) Three members who are municipal or district codes
894 enforcement officials, one of whom is also a fire official. The
895 Building Officials Association of Florida and the Florida Fire
896 Marshals and Inspectors Association are encouraged to recommend
897 a list of candidates for consideration.

898 (k) One member who represents the Department of Financial
899 Services.

900 (l) One member who is a county codes enforcement official.
901 The Building Officials Association of Florida is encouraged to
902 recommend a list of candidates for consideration.

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903 (m) One member of a Florida-based organization of persons
904 with disabilities or a nationally chartered organization of
905 persons with disabilities with chapters in this state.

906 (n) One member of the manufactured buildings industry who
907 is licensed to do business in this state and is actively engaged
908 in the industry. The Florida Manufactured Housing Association is
909 encouraged to recommend a list of candidates for consideration.

910 (o) One mechanical or electrical engineer registered to
911 practice in this state and actively engaged in the profession.
912 The Florida Engineering Society is encouraged to recommend a
913 list of candidates for consideration.

914 (p) One member who is a representative of a municipality
915 or a charter county. The Florida League of Cities and the
916 Florida Association of Counties are encouraged to recommend a
917 list of candidates for consideration.

918 (q) One member of the building products manufacturing
919 industry who is authorized to do business in this state and is
920 actively engaged in the industry. The Florida Building Material
921 Association, the Florida Concrete and Products Association, and
922 the Fenestration Manufacturers Association are encouraged to
923 recommend a list of candidates for consideration.

924 (r) One member who is a representative of the building
925 owners and managers industry who is actively engaged in
926 commercial building ownership or management. The Building Owners
927 and Managers Association is encouraged to recommend a list of
928 candidates for consideration.

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929 (s) One member who is a representative of the insurance
930 industry. The Florida Insurance Council is encouraged to
931 recommend a list of candidates for consideration.

932 (t) One member who is a representative of public
933 education.

934 (u) One member who is a swimming pool contractor licensed
935 to do business in this state and actively engaged in the
936 profession. The Florida Swimming Pool Association and the United
937 Pool and Spa Association are encouraged to recommend a list of
938 candidates for consideration.

939 (v) One member who is a representative of the green
940 building industry and who is a third-party commission agent, a
941 Florida board member of the United States Green Building Council
942 or Green Building Initiative, a professional who is accredited
943 under the International Green Construction Code (IGCC), or a
944 professional who is accredited under Leadership in Energy and
945 Environmental Design (LEED).

946 (w) One member who is a representative of a natural gas
947 distribution system and who is actively engaged in the
948 distribution of natural gas in this state. The Florida Natural
949 Gas Association is encouraged to recommend a list of candidates
950 for consideration.

951 (x)~~(w)~~ One member who shall be the chair.

952
953 Any person serving on the commission under paragraph (c) or
954 paragraph (h) on October 1, 2003, and who has served less than
955 two full terms is eligible for reappointment to the commission
956 regardless of whether he or she meets the new qualification.

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957 Section 17. Paragraph (a) of subsection (5) of section
958 553.79, Florida Statutes, is amended, and subsection (18) is
959 added to that section, to read:

960 553.79 Permits; applications; issuance; inspections.—

961 (5) (a) The enforcing agency shall require a special
962 inspector to perform structural inspections on a threshold
963 building pursuant to a structural inspection plan prepared by
964 the engineer or architect of record. The structural inspection
965 plan must be submitted to and approved by the enforcing agency
966 prior to the issuance of a building permit for the construction
967 of a threshold building. The purpose of the structural
968 inspection plan is to provide specific inspection procedures and
969 schedules so that the building can be adequately inspected for
970 compliance with the permitted documents. The special inspector
971 may not serve as a surrogate in carrying out the
972 responsibilities of the building official, the architect, or the
973 engineer of record. The contractor's contractual or statutory
974 obligations are not relieved by any action of the special
975 inspector. The special inspector shall determine that a
976 professional engineer who specializes in shoring design has
977 inspected the shoring and reshoring for conformance with the
978 shoring and reshoring plans submitted to the enforcing agency. A
979 fee simple title owner of a building, which does not meet the
980 minimum size, height, occupancy, occupancy classification, or
981 number-of-stories criteria which would result in classification
982 as a threshold building under s. 553.71(12) ~~553.71(11)~~, may
983 designate such building as a threshold building, subject to more

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984 than the minimum number of inspections required by the Florida
985 Building Code.

986 (18) For the purpose of inspection and record retention,
987 site plans for a building may be maintained in the form of an
988 electronic copy at the worksite. These plans must be open to
989 inspection by the building official or a duly authorized
990 representative, as required by the Florida Building Code.

991 Section 18. Subsection (5) of section 553.842, Florida
992 Statutes, is amended to read:

993 553.842 Product evaluation and approval.—

994 (5) Statewide approval of products, methods, or systems of
995 construction may be achieved by one of the following methods.
996 One of these methods must be used by the commission to approve
997 the following categories of products: panel walls, exterior
998 doors, roofing, skylights, windows, shutters, impact protective
999 systems, and structural components as established by the
1000 commission by rule. A product may not be advertised, sold,
1001 offered, provided, distributed, or marketed as hurricane,
1002 windstorm, or impact protection from wind-borne debris from a
1003 hurricane or windstorm unless it is approved pursuant to this
1004 section or s. 553.8425. Any person who advertises, sells,
1005 offers, provides, distributes, or markets a product as
1006 hurricane, windstorm, or impact protection from wind-borne
1007 debris without such approval is subject to the Florida Deceptive
1008 and Unfair Trade Practices Act under part II of chapter 501
1009 brought by the enforcing authority as defined in s. 501.203.

1010 (a) Products for which the code establishes standardized
1011 testing or comparative or rational analysis methods shall be

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1012 approved by submittal and validation of one of the following
1013 reports or listings indicating that the product or method or
1014 system of construction was in compliance with the Florida
1015 Building Code and that the product or method or system of
1016 construction is, for the purpose intended, at least equivalent
1017 to that required by the Florida Building Code:

1018 1. A certification mark or listing of an approved
1019 certification agency, which may be used only for products for
1020 which the code designates standardized testing;

1021 2. A test report from an approved testing laboratory;

1022 3. A product evaluation report based upon testing or
1023 comparative or rational analysis, or a combination thereof, from
1024 an approved product evaluation entity; or

1025 4. A product evaluation report based upon testing or
1026 comparative or rational analysis, or a combination thereof,
1027 developed and signed and sealed by a professional engineer or
1028 architect, licensed in this state.

1029
1030 A product evaluation report or a certification mark or listing
1031 of an approved certification agency which demonstrates that the
1032 product or method or system of construction complies with the
1033 Florida Building Code for the purpose intended is equivalent to
1034 a test report and test procedure referenced in the Florida
1035 Building Code. An application for state approval of a product
1036 under subparagraph 1. or subparagraph 3. must be approved by the
1037 department after the commission staff or a designee verifies
1038 that the application and related documentation are complete.
1039 This verification must be completed within 10 business days

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1040 after receipt of the application. Upon approval by the
1041 department, the product shall be immediately added to the list
1042 of state-approved products maintained under subsection (13).
1043 Approvals by the department shall be reviewed and ratified by
1044 the commission's program oversight committee except for a
1045 showing of good cause that a review by the full commission is
1046 necessary. The commission shall adopt rules providing means to
1047 cure deficiencies identified within submittals for products
1048 approved under this paragraph.

1049 (b) Products, methods, or systems of construction for
1050 which there are no specific standardized testing or comparative
1051 or rational analysis methods established in the code may be
1052 approved by submittal and validation of one of the following:

1053 1. A product evaluation report based upon testing or
1054 comparative or rational analysis, or a combination thereof, from
1055 an approved product evaluation entity indicating that the
1056 product or method or system of construction was in compliance
1057 with the intent of the Florida Building Code and that the
1058 product or method or system of construction is, for the purpose
1059 intended, at least equivalent to that required by the Florida
1060 Building Code; or

1061 2. A product evaluation report based upon testing or
1062 comparative or rational analysis, or a combination thereof,
1063 developed and signed and sealed by a professional engineer or
1064 architect, licensed in this state, who certifies that the
1065 product or method or system of construction is, for the purpose
1066 intended, at least equivalent to that required by the Florida
1067 Building Code.

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1068 Section 19. Section 553.901, Florida Statutes, is amended
1069 to read:

1070 553.901 Purpose of thermal efficiency code.—The Department
1071 of Business and Professional Regulation shall prepare a thermal
1072 efficiency code to provide for a statewide uniform standard for
1073 energy efficiency in the thermal design and operation of all
1074 buildings statewide, consistent with energy conservation goals,
1075 and to best provide for public safety, health, and general
1076 welfare. The Florida Building Commission shall adopt the Florida
1077 ~~Energy Efficiency Code for Building Code-Energy Conservation~~
1078 ~~Construction within the Florida Building Code~~, and shall modify,
1079 revise, update, and maintain the code to implement the
1080 provisions of this thermal efficiency code and amendments
1081 thereto, in accordance with the procedures of chapter 120. The
1082 department shall, at least triennially, determine the most cost-
1083 effective energy-saving equipment and techniques available and
1084 report its determinations to the commission, which shall update
1085 the code to incorporate such equipment and techniques. The
1086 proposed changes shall be made available for public review and
1087 comment no later than 6 months before ~~prior to~~ code
1088 implementation. The term "cost-effective," as used in ~~for the~~
1089 ~~purposes of this part, means shall be construed to mean~~ cost-
1090 effective to the consumer.

1091 Section 20. Section 553.902, Florida Statutes, is amended
1092 to read:

1093 553.902 Definitions.—As used in ~~For the purposes of this~~
1094 part, the term:

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1095 (1)~~(6)~~ "Energy performance level" means the indicator of
1096 the energy-related performance of a building, including, but not
1097 limited to, the levels of insulation, the amount and type of
1098 glass, and the HVAC and water heating system efficiencies.

1099 (2)~~(1)~~ "Exempted building" means:

1100 (a) A ~~Any~~ building or portion thereof whose peak design
1101 rate of energy usage for all purposes is less than 1 watt (3.4
1102 Btu per hour) per square foot of floor area for all purposes.

1103 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled
1104 by a mechanical system designed to control or modify the indoor
1105 temperature and powered by electricity or fossil fuels.

1106 (c) A ~~Any~~ building for which federal mandatory standards
1107 preempt state energy codes.

1108 (d) A ~~Any~~ historical building as described in s.
1109 267.021(3).

1110

1111 The Florida Building Commission may recommend to the Legislature
1112 additional types of buildings that ~~which~~ should be exempted from
1113 compliance with the Florida ~~Energy Efficiency Code for Building~~
1114 Code-Energy Conservation Construction.

1115 (3)~~(5)~~ "Exterior envelope physical characteristics" means
1116 the physical nature of those elements of a building which
1117 enclose conditioned spaces through which energy may be
1118 transferred to or from the exterior.

1119 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and
1120 air-conditioning.

1121 (5)~~(4)~~ "Local enforcement agency" means the agency of
1122 local government which has the authority to make inspections of

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1123 buildings and to enforce the Florida Building Code. The term ~~it~~
1124 includes any agency within the definition of s. 553.71(5).

1125 ~~(6)(3)~~ "Renovated building" means a residential or
1126 nonresidential building undergoing alteration that varies or
1127 changes insulation, HVAC systems, water heating systems, or
1128 exterior envelope conditions if, ~~provided~~ the estimated cost of
1129 renovation exceeds 30 percent of the assessed value of the
1130 structure.

1131 Section 21. Section 553.903, Florida Statutes, is amended
1132 to read:

1133 553.903 Applicability.—This part applies ~~shall apply~~ to
1134 all new and renovated buildings in the state, except exempted
1135 buildings, for which building permits are obtained after March
1136 15, 1979, and to the installation or replacement of building
1137 systems and components with new products for which thermal
1138 efficiency standards are set by the Florida ~~Energy Efficiency~~
1139 ~~Code for Building Code-Energy Conservation Construction~~. The
1140 provisions of this part shall constitute a statewide uniform
1141 code.

1142 Section 22. Section 553.904, Florida Statutes, is amended
1143 to read:

1144 553.904 Thermal efficiency standards for new
1145 nonresidential buildings.—Thermal designs and operations for new
1146 nonresidential buildings for which building permits are obtained
1147 after March 15, 1979, must ~~shall~~ at a minimum take into account
1148 exterior envelope physical characteristics, including thermal
1149 mass; HVAC, service water heating, energy distribution,
1150 lighting, energy managing, and auxiliary systems design and

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1151 selection; and HVAC, service water heating, energy distribution,
1152 lighting, energy managing, and auxiliary equipment performance
1153 and are ~~shall~~ not ~~be~~ required to meet standards more stringent
1154 than the provisions of the Florida ~~Energy Efficiency Code for~~
1155 Building Code-Energy Conservation Construction.

1156 Section 23. Section 553.905, Florida Statutes, is amended
1157 to read:

1158 553.905 Thermal efficiency standards for new residential
1159 buildings.—Thermal designs and operations for new residential
1160 buildings for which building permits are obtained after March
1161 15, 1979, must ~~shall~~ at a minimum take into account exterior
1162 envelope physical characteristics, HVAC system selection and
1163 configuration, HVAC equipment performance, and service water
1164 heating design and equipment selection and are ~~shall~~ not ~~be~~
1165 required to meet standards more stringent than the provisions of
1166 the Florida ~~Energy Efficiency Code for~~ Building Code-Energy
1167 Conservation Construction. HVAC equipment mounted in an attic or
1168 a garage is ~~shall~~ not ~~be~~ required to have supplemental
1169 insulation in addition to that installed by the manufacturer.
1170 All new residential buildings, except those herein exempted,
1171 must ~~shall~~ have insulation in ceilings rated at R-19 or more,
1172 space permitting. Thermal efficiency standards do not apply to a
1173 building of less than 1,000 square feet that ~~which~~ is not
1174 primarily used as a principal residence and that ~~which~~ is
1175 constructed and owned by a natural person for hunting or similar
1176 recreational purposes; however, ~~no~~ such person may not build
1177 more than one exempt building in any 12-month period.

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1178 Section 24. Section 553.906, Florida Statutes, is amended
1179 to read:

1180 553.906 Thermal efficiency standards for renovated
1181 buildings.—Thermal designs and operations for renovated
1182 buildings for which building permits are obtained after March
1183 15, 1979, must ~~shall~~ take into account insulation; windows;
1184 infiltration; and HVAC, service water heating, energy
1185 distribution, lighting, energy managing, and auxiliary systems
1186 design and equipment selection and performance. Such buildings
1187 are ~~shall~~ not ~~be~~ required to meet standards more stringent than
1188 the provisions of the Florida ~~Energy Efficiency Code for~~
1189 Building Code-Energy Conservation Construction. These standards
1190 apply only to those portions of the structure that ~~which~~ are
1191 actually renovated.

1192 Section 25. Section 553.912, Florida Statutes, is amended
1193 to read:

1194 553.912 Air conditioners.—All air conditioners that are
1195 sold or installed in the state must ~~shall~~ meet the minimum
1196 efficiency ratings of the Florida ~~Energy Efficiency Code for~~
1197 Building Code-Energy Conservation Construction. These efficiency
1198 ratings must ~~shall~~ be minimums and may be updated in the Florida
1199 ~~Energy Efficiency Code for~~ Building Code-Energy Conservation
1200 ~~Construction~~ by the department in accordance with s. 553.901,
1201 following its determination that more cost-effective energy-
1202 saving equipment and techniques are available. It is the intent
1203 of the Legislature that all replacement air-conditioning systems
1204 in residential applications be installed using energy-saving,
1205 quality installation procedures, including, but not limited to,

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1206 equipment sizing analysis and duct inspection. Notwithstanding
1207 this section, existing heating and cooling equipment in
1208 residential applications need not meet the minimum equipment
1209 efficiencies, including system sizing and duct sealing.

1210 Section 26. Section 553.991, Florida Statutes, is amended
1211 to read:

1212 553.991 Purpose.—The purpose of this part is to identify
1213 systems ~~provide for a statewide uniform system~~ for rating the
1214 energy efficiency of buildings. It is in the interest of the
1215 state to encourage the consideration of ~~the~~ energy-efficiency
1216 rating systems ~~system~~ in the market so as to provide market
1217 rewards for energy-efficient buildings and to those persons or
1218 companies designing, building, or selling energy-efficient
1219 buildings.

1220 Section 27. Section 553.992, Florida Statutes, is
1221 repealed.

1222 Section 28. Section 553.993, Florida Statutes, is amended
1223 to read:

1224 553.993 Definitions.—For purposes of this part:

1225 (1) "Acquisition" means to gain the sole or partial use of
1226 a building through a purchase agreement.

1227 (2) "Builder" means the primary contractor who possesses
1228 the requisite skill, knowledge, and experience, and has the
1229 responsibility, to supervise, direct, manage, and control the
1230 contracting activities of the business organization with which
1231 she or he is connected and who has the responsibility to
1232 supervise, direct, manage, and control the construction work on
1233 a job for which she or he has obtained the building permit.

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1234 Construction work includes, but is not limited to, foundation,
1235 framing, wiring, plumbing, and finishing work.

1236 (3) "Building energy-efficiency rating system" means a
1237 whole building energy evaluation system established by the
1238 Residential Energy Services Network, the Commercial Energy
1239 Services Network, the Building Performance Institute, or the
1240 Florida Solar Energy Center.

1241 (4)-(3) "Designer" means the architect, engineer, landscape
1242 architect, builder, interior designer, or other person who
1243 performs the actual design work or under whose direct
1244 supervision and responsible charge the construction documents
1245 are prepared.

1246 (5) "Energy auditor" means a trained and certified
1247 professional who conducts energy evaluations of an existing
1248 building and uses tools to identify the building's current
1249 energy usage and the condition of the building and equipment.

1250 (6) "Energy-efficiency rating" means an unbiased
1251 indication of a building's relative energy efficiency based on
1252 consistent inspection procedures, operating assumptions, climate
1253 data, and calculation methods.

1254 (7) "Energy rater" means an individual certified by a
1255 building energy-efficiency rating system to perform building
1256 energy-efficiency ratings for the building type and in the
1257 rating class for which the rater is certified.

1258 (8)-(4) "New building" means commercial occupancy buildings
1259 permitted for construction after January 1, 1995, and
1260 residential occupancy buildings permitted for construction after
1261 January 1, 1994.

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1262 ~~(9)-(5)~~ "Public building" means a building comfort-
1263 conditioned for occupancy that is owned or leased by the state,
1264 a state agency, or a governmental subdivision, including, but
1265 not limited to, a city, county, or school district.

1266 Section 29. Section 553.994, Florida Statutes, is amended
1267 to read:

1268 553.994 Applicability. Building energy-efficiency ~~The~~
1269 rating systems ~~system shall~~ apply to all public, commercial, and
1270 residential buildings in the state.

1271 Section 30. Section 553.995, Florida Statutes, is amended
1272 to read:

1273 553.995 Energy-efficiency ratings for buildings.—

1274 (1) Building ~~The~~ energy-efficiency rating systems must,
1275 ~~system shall~~ at a minimum:

1276 ~~(a) Provide a uniform rating scale of the efficiency of~~
1277 ~~buildings based on annual energy usage.~~

1278 ~~(a)(b)~~ Take into account local climate conditions,
1279 construction practices, and building use.

1280 ~~(b)(c)~~ Be compatible with standard federal rating systems
1281 and state building codes and standards, where applicable, and
1282 must ~~shall~~ satisfy the requirements of s. 553.9085 with respect
1283 to residential buildings and s. 255.256 with respect to state
1284 buildings.

1285 ~~(c)(2) The energy-efficiency rating system adopted by the~~
1286 ~~department shall~~ Provide a means of analyzing ~~and comparing~~ the
1287 relative energy efficiency of buildings upon the sale of new or
1288 existing residential, public, or commercial buildings.

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1289 ~~(3) The department shall establish a voluntary working~~
1290 ~~group of persons interested in the energy efficiency rating~~
1291 ~~system or energy efficiency, including, but not limited to, such~~
1292 ~~persons as electrical engineers, mechanical engineers,~~
1293 ~~architects, public utilities, and builders. The interest group~~
1294 ~~shall advise the department in the development of the energy-~~
1295 ~~efficiency rating system and shall assist the department in the~~
1296 ~~implementation of the rating system by coordinating educational~~
1297 ~~programs for designers, builders, businesses, and other~~
1298 ~~interested persons to assist compliance and to facilitate~~
1299 ~~incorporation of the rating system into existing practices.~~

1300 ~~(2) (a) (4) The department shall develop a training and~~
1301 ~~certification program to certify raters. In addition to the~~
1302 ~~department, Ratings may be conducted by a any local government~~
1303 ~~or private entity if, provided that the appropriate persons have~~
1304 ~~completed the necessary training established by the applicable~~
1305 ~~building energy-efficiency rating system and have been certified~~
1306 ~~by the department.~~

1307 ~~(b) The Department of Management Services shall rate~~
1308 ~~state-owned or state-leased buildings if, provided that the~~
1309 ~~appropriate persons have completed the necessary training~~
1310 ~~established by the applicable building energy-efficiency rating~~
1311 ~~system and have been certified by the Department of Business and~~
1312 ~~Professional Regulation.~~

1313 ~~(c) A state agency that which has building construction~~
1314 ~~regulation authority may rate its own buildings and those it is~~
1315 ~~responsible for, if the appropriate persons have completed the~~
1316 ~~necessary training established by the applicable building~~

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1317 ~~energy-efficiency rating system and have been certified by the~~
1318 ~~Department of Business and Professional Regulation. The~~
1319 ~~Department of Business and Professional Regulation may charge a~~
1320 ~~fee not to exceed the costs for the training and certification~~
1321 ~~of raters. The department shall by rule set the appropriate~~
1322 ~~charges for raters to charge for energy ratings, not to exceed~~
1323 ~~the actual costs.~~

1324 Section 31. Section 553.996, Florida Statutes, is amended
1325 to read:

1326 553.996 Energy-efficiency information provided by building
1327 energy-efficiency rating systems providers brochure.-A
1328 prospective purchaser of real property with a building for
1329 occupancy located thereon shall be provided ~~with a copy of an~~
1330 ~~information brochure,~~ at the time of or before ~~prior to~~ the
1331 purchaser's execution of the contract for sale and purchase that
1332 notifies, ~~notifying~~ the purchaser of the option for an energy-
1333 efficiency rating on the building. Building energy-efficiency
1334 rating system providers identified in this part shall prepare
1335 such information and make it ~~Such brochure shall be prepared,~~
1336 ~~made~~ available for distribution, ~~and provided at no cost by the~~
1337 ~~department.~~ Such ~~brochure shall contain~~ information relevant to
1338 that class of building must include, ~~including,~~ but need not be
1339 limited to:

1340 (1) How to analyze the building's energy-efficiency
1341 rating.

1342 (2) Comparisons to statewide averages for new and existing
1343 construction of that class.

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1344 (3) Information concerning methods to improve the
1345 building's energy-efficiency rating.

1346 (4) A notice to residential purchasers that the energy-
1347 efficiency rating may qualify the purchaser for an energy-
1348 efficient mortgage from lending institutions.

1349 Section 32. Subsection (2) of section 553.997, Florida
1350 Statutes, is amended to read:

1351 553.997 Public buildings.-

1352 (2) ~~The department, together with other~~ State agencies
1353 ~~with having~~ building construction and maintenance
1354 responsibilities, shall make available energy-efficiency
1355 practices information to be used by individuals involved in the
1356 design, construction, retrofitting, and maintenance of buildings
1357 for state and local governments.

1358 Section 33. Section 553.998, Florida Statutes, is amended
1359 to read:

1360 553.998 Compliance.-All ratings must ~~shall~~ be determined
1361 using tools and procedures developed by the systems recognized
1362 under this part ~~adopted by the department by rule in accordance~~
1363 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as
1364 accurate and correct and in compliance with procedures of the
1365 system under which the rater is certified ~~adopted by the~~
1366 ~~department by rule in accordance with chapter 120.~~

1367 Section 34. Except as otherwise expressly provided in this
1368 act, this act shall take effect July 1, 2013.

1369
1370 -----

1371 **T I T L E A M E N D M E N T**

Amendment No.

1372 Remove everything before the enacting clause and insert:

1373 A bill to be entitled

1374 An act relating to building construction; amending s.
1375 162.12, F.S.; revising notice requirements in the
1376 Local Government Code Enforcement Boards Act; amending
1377 ss. 255.20 and 255.2575, F.S.; requiring governmental
1378 entities to specify certain products associated with
1379 public works projects; providing for applicability;
1380 amending s. 255.257, F.S.; requiring state agencies to
1381 use certain building rating systems and building codes
1382 for each new construction and renovation project;
1383 amending s. 381.0065, F.S.; specifying that certain
1384 actions relating to onsite sewage treatment and
1385 removal are not required if a bedroom is not added
1386 during a remodeling addition or modification to a
1387 single-family home; prohibiting a remodeling addition
1388 or modification from certain coverage or encroachment;
1389 authorizing a local health board to review specific
1390 plans; requiring a review to be completed within a
1391 specific time period after receipt of specific plans;
1392 amending s. 489.103, F.S.; providing for additional
1393 exemptions; amending s. 489.105, F.S.; revising
1394 definitions; amending s. 489.111, F.S.; revising
1395 eligibility criteria to take the swimming pool/spa
1396 examination; providing legislative intent with respect
1397 to the applicability of certain amendments to s.
1398 489.113(2), F.S.; providing for retroactive effect;
1399 amending s. 489.127, F.S.; revising civil penalties;

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1400 authorizing a local building department to retain 75
1401 percent of certain fines collected if it transmits 25
1402 percent to the Department of Business and Professional
1403 Regulation; amending s. 489.131, F.S.; deleting
1404 legislative intent referring to a local agency's
1405 enforcement of regulatory laws; deleting the
1406 definitions of "minor violation" and "notice of
1407 noncompliance"; deleting provisions that provide for
1408 what a notice of noncompliance should or should not
1409 include; deleting a provision that provides for
1410 further disciplinary proceedings for certain
1411 licensees; amending s. 489.514, F.S.; extending the
1412 date by which an applicant must make application for a
1413 license to be grandfathered; amending s. 489.531,
1414 F.S.; revising maximum civil penalties for specified
1415 violations; amending s. 553.71, F.S.; providing a
1416 definition for the term "local technical amendment";
1417 amending s. 553.73, F.S.; prohibiting any provision of
1418 the International Residential Code relating to
1419 mandated fire sprinklers from incorporation into the
1420 Florida Building Code; amending s. 553.74, F.S.;
1421 revising membership of the Florida Building
1422 Commission; amending s. 553.79, F.S.; conforming a
1423 cross-reference; authorizing a site plan to be
1424 maintained at the worksite as an electronic copy;
1425 requiring the copy to be open to inspection by certain
1426 officials; amending s. 553.842, F.S.; requiring an
1427 application for state approval of a certain product to

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Amendment No.

1428 be approved by the department after the application
1429 and related documentation are complete; amending ss.
1430 553.901, 553.902, 553.903, 553.904, 553.905, and
1431 553.906, F.S.; requiring the Florida Building
1432 Commission to adopt the Florida Building Code-Energy
1433 Conservation; conforming subsequent sections of the
1434 thermal efficiency code; amending s. 553.912, F.S.;
1435 requiring replacement air conditioning systems in
1436 residential applications to use energy-saving quality
1437 installation procedures; providing that certain
1438 existing heating and cooling equipment is not required
1439 to meet the minimum equipment efficiencies; amending
1440 s. 553.991, F.S.; revising the purpose of the Florida
1441 Building Energy-Efficiency Rating Act; repealing s.
1442 553.992, F.S., relating to the adoption of a rating
1443 system; amending s. 553.993, F.S.; providing
1444 definitions; amending s. 553.994, F.S.; providing for
1445 the applicability of building energy-efficiency rating
1446 systems; amending s. 553.995, F.S.; deleting a minimum
1447 requirement for the building energy-efficiency rating
1448 systems; revising language; deleting provisions
1449 relating to a certain interest group; deleting
1450 provisions relating to the Department of Business and
1451 Professional Regulation; amending s. 553.996, F.S.;
1452 requiring building energy-efficiency rating system
1453 providers to provide certain information; amending s.
1454 553.997, F.S.; deleting a requirement that the
1455 department participate in making certain energy-

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Amendment No.

1456 efficiency practices information available together
1457 with certain state agencies; amending s. 553.998,
1458 F.S.; revising provisions relating to the
1459 certification of energy efficiency ratings for
1460 compliance; providing effective dates.