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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/07/2011	.	
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	.	
	.	

The Committee on Community Affairs (Bennett) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (d) is added to subsection (16) of section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(16) FLORIDA BUILDING COMMISSION.—

(d) Rule proceedings relating to updates and modifications of the Florida Building Code pursuant to s. 553.73 are exempt from ss. 120.54(3) and 120.541(3).

Section 2. Subsections (3) and (4) of section 255.252,



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13 Florida Statutes, are amended to read:

14 255.252 Findings and intent.—

15 (3) In order for ~~that such~~ energy-efficiency and
16 sustainable materials considerations to become a function of
17 building design and a model for future application in the
18 private sector, it is ~~shall be~~ the policy of the state that
19 buildings constructed and financed by the state be designed and
20 constructed to comply with a sustainable building rating ~~the~~
21 ~~United States Green Building Council (USGBC) Leadership in~~
22 ~~Energy and Environmental Design (LEED) rating system, the Green~~
23 ~~Building Initiative's Green Globes rating system, the Florida~~
24 ~~Green Building Coalition standards, or a nationally recognized,~~
25 ~~high performance green building rating system as approved by the~~
26 ~~department.~~ It is further the policy of the state, if when
27 economically feasible, to retrofit existing state-owned
28 buildings in a manner that minimizes ~~which will minimize~~ the
29 consumption of energy used in the operation and maintenance of
30 such buildings.

31 (4) In addition to designing and constructing new buildings
32 to be energy-efficient, it is ~~shall be~~ the policy of the state
33 to operate and maintain state facilities in a manner that
34 minimizes ~~which will minimize~~ energy consumption and maximizes
35 ~~maximize~~ building sustainability, and to operate ~~as well as~~
36 ~~ensure that~~ facilities leased by the state ~~are operated~~ so as to
37 minimize energy use. It is further the policy of the state that
38 the renovation of existing state facilities be in accordance
39 with a sustainable building rating ~~the United States Green~~
40 ~~Building Council (USGBC) Leadership in Energy and Environmental~~
41 ~~Design (LEED) rating system, the Green Building Initiative's~~



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42 ~~Green Globes rating system, the Florida Green Building Coalition~~
43 ~~standards, or a nationally recognized, high-performance green~~
44 ~~building rating system as approved by the department. State~~
45 agencies are encouraged to consider shared savings financing of
46 ~~such~~ energy-efficiency and conservation projects, using
47 contracts that ~~which~~ split the resulting savings for a specified
48 period of time between the state agency and the private firm or
49 cogeneration contracts and that ~~which~~ otherwise permit the state
50 to lower its net energy costs. Such energy contracts may be
51 funded from the operating budget.

52 Section 3. Subsection (7) of section 255.253, Florida
53 Statutes, is amended to read:

54 255.253 Definitions; ss. 255.251-255.258.—

55 (7) "Sustainable building rating" means a rating
56 established by the United States Green Building Council (USGBC)
57 Leadership in Energy and Environmental Design (LEED) rating
58 system, the International Green Construction Code (IGCC), the
59 Green Building Initiative's Green Globes rating system, the
60 Florida Green Building Coalition standards, or a nationally
61 recognized, high-performance green building rating system as
62 approved by the department.

63 Section 4. Subsection (4) of section 255.257, Florida
64 Statutes, is amended to read:

65 255.257 Energy management; buildings occupied by state
66 agencies.—

67 (4) ADOPTION OF STANDARDS.—

68 (a) All state agencies shall adopt a sustainable building
69 rating system ~~the United States Green Building Council (USGBC)~~
70 ~~Leadership in Energy and Environmental Design (LEED) rating~~



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71 ~~system, the Green Building Initiative's Green Globes rating~~
72 ~~system, the Florida Green Building Coalition standards, or a~~
73 ~~nationally recognized, high-performance green building rating~~
74 ~~system as approved by the department~~ for all new buildings and
75 renovations to existing buildings.

76 (b) No state agency shall enter into new leasing agreements
77 for office space that does not meet Energy Star building
78 standards, except when ~~determined by~~ the appropriate state
79 agency head determines that no other viable or cost-effective
80 alternative exists.

81 (c) All state agencies shall develop energy conservation
82 measures and guidelines for new and existing office space where
83 state agencies occupy more than 5,000 square feet. These
84 conservation measures shall focus on programs that may reduce
85 energy consumption and, when established, provide a net
86 reduction in occupancy costs.

87 Section 5. Subsection (2) of section 255.2575, Florida
88 Statutes, is amended to read:

89 255.2575 Energy-efficient and sustainable buildings.-

90 (2) All county, municipal, school district, water
91 management district, state university, community college, and
92 ~~Florida~~ state court buildings shall be constructed to comply
93 with a sustainable building rating system ~~meet the United States~~
94 ~~Green Building Council (USGBC) Leadership in Energy and~~
95 ~~Environmental Design (LEED) rating system, the Green Building~~
96 ~~Initiative's Green Globes rating system, the Florida Green~~
97 ~~Building Coalition standards, or a nationally recognized, high-~~
98 ~~performance green building rating system as approved by the~~
99 ~~Department of Management Services.~~ This section applies shall



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100 ~~apply~~ to all county, municipal, school district, water
101 management district, state university, community college, and
102 ~~Florida~~ state court buildings the architectural plans of which
103 are commenced after July 1, 2008.

104 Section 6. Subsection (1) of section 468.8316, Florida
105 Statutes, is amended to read:

106 468.8316 Continuing education.-

107 (1) The department may not renew a license until the
108 licensee submits proof satisfactory to the department that
109 during the 2 years before ~~prior to his or her~~ application for
110 renewal the licensee ~~has~~ completed at least 14 hours of
111 continuing education. Of the 14 hours, at least 2 hours must be
112 in hurricane mitigation training that includes hurricane
113 mitigation techniques and compliance with the uniform mitigation
114 verification inspection form developed under s. 627.711(2). The
115 department shall adopt rules establishing criteria for approving
116 continuing education providers and courses ~~course content shall~~
117 ~~be approved by the department by rule.~~

118 Section 7. Paragraph (f) of subsection (1) and subsection
119 (3) of section 468.8319, Florida Statutes, are amended to read
120 468.8319 Prohibitions; penalties.-

121 (1) A person may not:

122 (f) Perform or offer to perform any repairs to a home on
123 which the inspector or the inspector's company has prepared a
124 home inspection report. This paragraph does not apply to:
125 ~~1.~~ a home warranty company that is affiliated with or
126 retains a home inspector to perform repairs pursuant to a claim
127 made under a home warranty contract.

128 ~~2. A certified contractor who is classified in s.~~



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129 ~~489.105(3) as a Division I contractor. However, the department~~
130 ~~may adopt rules requiring that, if such contractor performs the~~
131 ~~home inspection and offers to perform the repairs, the contract~~
132 ~~for repairs provided to the homeowner discloses that he or she~~
133 ~~has the right to request competitive bids.~~

134 ~~(3) This section does not apply to unlicensed activity as~~
135 ~~described in paragraph (1)(a), paragraph (1)(b), or s. 455.228~~
136 ~~that occurs before July 1, 2011.~~

137 Section 8. Paragraph (b) of subsection (1) of section
138 468.8323, Florida Statutes, is amended to read:

139 468.8323 Home inspection report.—Upon completion of each
140 home inspection for compensation, the home inspector shall
141 provide a written report prepared for the client.

142 (1) The home inspector shall report:

143 (b) If not self-evident, a reason why the system or
144 component reported under paragraph (a) is significantly
145 deficient or near the end of its service life.

146 Section 9. Subsections (1) and (2) of section 468.8324,
147 Florida Statutes, are amended to read:

148 468.8324 Grandfather clause.—

149 (1) A person who performs home inspection services ~~as~~
150 ~~defined in this part~~ may qualify for licensure ~~by the department~~
151 as a home inspector under this part if the person submits an
152 application to the department postmarked on or before July 1,
153 2012 ~~March 1, 2011~~, which shows that the applicant:

154 (a) Is certified as a home inspector by a state or national
155 association that requires, for such certification, successful
156 completion of a proctored examination on home inspection
157 services and completes at least 14 hours of verifiable education



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158 on such services; or

159 (b) Has at least 3 years of experience as a home inspector
160 at the time of application and has completed 14 hours of
161 verifiable education on home inspection services. To establish
162 the 3 years of experience, an applicant must submit at least 120
163 home inspection reports prepared by the applicant.

164
165 ~~(2)~~ The department may investigate the validity of a home
166 inspection report submitted under paragraph (b) ~~(1)(b)~~ and, if
167 the applicant submits a false report, may take disciplinary
168 action against the applicant under s. 468.832(1)(e) or (g).

169 (2) A person who performs home inspection services may
170 qualify for licensure as a home inspector under this part if the
171 person submits an application to the department postmarked on or
172 before July 1, 2012, which shows that the applicant:

173 (a) Possesses certification as a one- and two-family
174 dwelling inspector issued by the International Code Council or
175 the Southern Building Code Congress International;

176 (b) Has been certified as a one- and two-family dwelling
177 inspector by the Florida Building Code Administrators and
178 Inspectors Board under part XII of this chapter; or

179 (c) Possesses a Division I contractor license under part I
180 of chapter 489.

181 Section 10. Subsection (18) of section 489.103, Florida
182 Statutes, is amended to read:

183 489.103 Exemptions.—This part does not apply to:

184 (18) Any one-family, two-family, or three-family residence
185 constructed or created by Habitat for Humanity International,
186 Inc., or its local affiliates. Habitat for Humanity



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187 International, Inc., or its local affiliates, must:

188 (a) Obtain all necessary building permits.

189 (b) Obtain all required building code inspections.

190 (c) Provide for supervision of all work by an individual
191 with construction experience.

192 Section 11. Subsection (3) of section 489.105, Florida
193 Statutes, is amended to read

194 489.105 Definitions.—As used in this part:

195 (3) "Contractor" means the person who is qualified for, and
196 is shall only ~~be~~ responsible for, the project contracted for and
197 means, except as exempted in this part, the person who, for
198 compensation, undertakes to, submits a bid to, or does himself
199 or herself or by others construct, repair, alter, remodel, add
200 to, demolish, subtract from, or improve any building or
201 structure, including related improvements to real estate, for
202 others or for resale to others; and whose job scope is
203 substantially similar to the job scope described in one of the
204 subsequent paragraphs of this subsection. For the purposes of
205 regulation under this part, "demolish" applies only to
206 demolition of steel tanks over 50 feet in height; towers over 50
207 feet in height; other structures over 50 feet in height, other
208 than buildings or residences over three stories tall; and
209 buildings or residences over three stories tall. Contractors are
210 subdivided into two divisions, Division I, consisting of those
211 contractors defined in paragraphs (a)-(c), and Division II,
212 consisting of those contractors defined in paragraphs (d)-(r)
213 ~~(d)-(q)~~:

214 (a) "General contractor" means a contractor whose services
215 are unlimited as to the type of work which he or she may do, who



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216 may contract for any activity requiring licensure under this
217 part, and who may perform any work requiring licensure under
218 this part, except as otherwise expressly provided in s. 489.113.

219 (b) "Building contractor" means a contractor whose services
220 are limited to construction of commercial buildings and single-
221 dwelling or multiple-dwelling residential buildings, which
222 ~~commercial or residential buildings~~ do not exceed three stories
223 in height, and accessory use structures in connection therewith
224 or a contractor whose services are limited to remodeling,
225 repair, or improvement of any size building if the services do
226 not affect the structural members of the building.

227 (c) "Residential contractor" means a contractor whose
228 services are limited to construction, remodeling, repair, or
229 improvement of one-family, two-family, or three-family
230 residences not exceeding two habitable stories above no more
231 than one uninhabitable story and accessory use structures in
232 connection therewith.

233 (d) "Sheet metal contractor" means a contractor whose
234 services are unlimited in the sheet metal trade and who has the
235 experience, knowledge, and skill necessary for the manufacture,
236 fabrication, assembling, handling, erection, installation,
237 dismantling, conditioning, adjustment, insulation, alteration,
238 repair, servicing, or design, if ~~when~~ not prohibited by law, of
239 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
240 equivalent or lighter gauge and of other materials, including,
241 but not limited to, fiberglass, used in lieu thereof and of air-
242 handling systems, including the setting of air-handling
243 equipment and reinforcement of same, the balancing of air-
244 handling systems, and any duct cleaning and equipment sanitizing



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245 ~~that which~~ requires at least a partial disassembling of the
246 system.

247 (e) "Roofing contractor" means a contractor whose services
248 are unlimited in the roofing trade and who has the experience,
249 knowledge, and skill to install, maintain, repair, alter,
250 extend, or design, if ~~when~~ not prohibited by law, and use
251 materials and items used in the installation, maintenance,
252 extension, and alteration of all kinds of roofing,
253 waterproofing, and coating, except when coating is not
254 represented to protect, repair, waterproof, stop leaks, or
255 extend the life of the roof. The scope of work of a roofing
256 contractor also includes required roof-deck attachments and any
257 repair or replacement of wood roof sheathing or fascia as needed
258 during roof repair or replacement.

259 (f) "Class A air-conditioning contractor" means a
260 contractor whose services are unlimited in the execution of
261 contracts requiring the experience, knowledge, and skill to
262 install, maintain, repair, fabricate, alter, extend, or design,
263 if ~~when~~ not prohibited by law, central air-conditioning,
264 refrigeration, heating, and ventilating systems, including duct
265 work in connection with a complete system if ~~only to the extent~~
266 such duct work is performed by the contractor as ~~is~~ necessary to
267 ~~make~~ complete an air-distribution system, boiler and unfired
268 pressure vessel systems, and all appurtenances, apparatus, or
269 equipment used in connection therewith, and any duct cleaning
270 and equipment sanitizing ~~that which~~ requires at least a partial
271 disassembling of the system; to install, maintain, repair,
272 fabricate, alter, extend, or design, if ~~when~~ not prohibited by
273 law, piping, insulation of pipes, vessels and ducts, pressure



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274 and process piping, and pneumatic control piping; to replace,
275 disconnect, or reconnect power wiring on the load side of the
276 dedicated existing electrical disconnect switch; to install,
277 disconnect, and reconnect low voltage heating, ventilating, and
278 air-conditioning control wiring; and to install a condensate
279 drain from an air-conditioning unit to an existing safe waste or
280 other approved disposal other than a direct connection to a
281 sanitary system. The scope of work for such contractor ~~shall~~
282 also includes ~~include~~ any excavation work incidental thereto,
283 but does ~~shall~~ not include any work such as liquefied petroleum
284 or natural gas fuel lines within buildings, except for
285 disconnecting or reconnecting changeouts of liquefied petroleum
286 or natural gas appliances within buildings; potable water lines
287 or connections thereto; sanitary sewer lines; swimming pool
288 piping and filters; or electrical power wiring.

289 (g) "Class B air-conditioning contractor" means a
290 contractor whose services are limited to 25 tons of cooling and
291 500,000 Btu of heating in any one system in the execution of
292 contracts requiring the experience, knowledge, and skill to
293 install, maintain, repair, fabricate, alter, extend, or design,
294 if when not prohibited by law, central air-conditioning,
295 refrigeration, heating, and ventilating systems, including duct
296 work in connection with a complete system only to the extent
297 such duct work is performed by the contractor as ~~is~~ necessary to
298 ~~make~~ complete an air-distribution system being installed under
299 this classification, and any duct cleaning and equipment
300 sanitizing that which requires at least a partial disassembling
301 of the system; to install, maintain, repair, fabricate, alter,
302 extend, or design, if when not prohibited by law, piping and



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303 insulation of pipes, vessels, and ducts; to replace, disconnect,
304 or reconnect power wiring on the load side of the dedicated
305 existing electrical disconnect switch; to install, disconnect,
306 and reconnect low voltage heating, ventilating, and air-
307 conditioning control wiring; and to install a condensate drain
308 from an air-conditioning unit to an existing safe waste or other
309 approved disposal other than a direct connection to a sanitary
310 system. The scope of work for such contractor ~~shall~~ also
311 includes ~~include~~ any excavation work incidental thereto, but
312 does ~~shall~~ not include any work such as liquefied petroleum or
313 natural gas fuel lines within buildings, except for
314 disconnecting or reconnecting changeouts of liquefied petroleum
315 or natural gas appliances within buildings; potable water lines
316 or connections thereto; sanitary sewer lines; swimming pool
317 piping and filters; or electrical power wiring.

318 (h) "Class C air-conditioning contractor" means a
319 contractor whose business is limited to the servicing of air-
320 conditioning, heating, or refrigeration systems, including any
321 duct cleaning and equipment sanitizing that ~~which~~ requires at
322 least a partial disassembling of the system, and whose
323 certification or registration, issued pursuant to this part, was
324 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~
325 ~~previously~~ registered or certified as a Class C air-conditioning
326 contractor as of October 1, 1988, shall be so registered or
327 certified after October 1, 1988. However, the board shall
328 continue to license and regulate those Class C air-conditioning
329 contractors who held Class C licenses before ~~prior to~~ October 1,
330 1988.

331 (i) "Mechanical contractor" means a contractor whose



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332 services are unlimited in the execution of contracts requiring
333 the experience, knowledge, and skill to install, maintain,
334 repair, fabricate, alter, extend, or design, if ~~when~~ not
335 prohibited by law, central air-conditioning, refrigeration,
336 heating, and ventilating systems, including duct work in
337 connection with a complete system if ~~only to the extent~~ such
338 duct work is performed by the contractor as ~~is~~ necessary to ~~make~~
339 complete an air-distribution system, boiler and unfired pressure
340 vessel systems, lift station equipment and piping, and all
341 appurtenances, apparatus, or equipment used in connection
342 therewith, and any duct cleaning and equipment sanitizing that
343 ~~which~~ requires at least a partial disassembling of the system;
344 to install, maintain, repair, fabricate, alter, extend, or
345 design, if ~~when~~ not prohibited by law, piping, insulation of
346 pipes, vessels and ducts, pressure and process piping, pneumatic
347 control piping, gasoline tanks and pump installations and piping
348 for same, standpipes, air piping, vacuum line piping, oxygen
349 lines, nitrous oxide piping, ink and chemical lines, fuel
350 transmission lines, liquefied petroleum gas lines within
351 buildings, and natural gas fuel lines within buildings; to
352 replace, disconnect, or reconnect power wiring on the load side
353 of the dedicated existing electrical disconnect switch; to
354 install, disconnect, and reconnect low voltage heating,
355 ventilating, and air-conditioning control wiring; and to install
356 a condensate drain from an air-conditioning unit to an existing
357 safe waste or other approved disposal other than a direct
358 connection to a sanitary system. The scope of work for such
359 contractor ~~shall~~ also includes ~~include~~ any excavation work
360 incidental thereto, but does ~~shall~~ not include any work such as



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361 potable water lines or connections thereto, sanitary sewer
362 lines, swimming pool piping and filters, or electrical power
363 wiring.

364 (j) "Commercial pool/spa contractor" means a contractor
365 whose scope of work involves, but is not limited to, the
366 construction, repair, and servicing of any swimming pool, or hot
367 tub or spa, whether public, private, or otherwise, regardless of
368 use. The scope of work includes the installation, repair, or
369 replacement of existing equipment, any cleaning or equipment
370 sanitizing that ~~which~~ requires at least a partial disassembling,
371 excluding filter changes, and the installation of new pool/spa
372 equipment, interior finishes, the installation of package pool
373 heaters, the installation of all perimeter piping and filter
374 piping, and the construction of equipment rooms or housing for
375 pool/spa equipment, and also includes the scope of work of a
376 swimming pool/spa servicing contractor. The scope of such work
377 does not include direct connections to a sanitary sewer system
378 or to potable water lines. The installation, construction,
379 modification, or replacement of equipment permanently attached
380 to and associated with the pool or spa for the purpose of water
381 treatment or cleaning of the pool or spa requires licensure;
382 however, the usage of such equipment for the purposes of water
383 treatment or cleaning does ~~shall~~ not require licensure unless
384 the usage involves construction, modification, or replacement of
385 such equipment. Water treatment that does not require such
386 equipment does not require a license. In addition, a license is
387 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a
388 ~~any~~ way that does not affect the structural integrity of the
389 pool or spa or its associated equipment.



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390 (k) "Residential pool/spa contractor" means a contractor
391 whose scope of work involves, but is not limited to, the
392 construction, repair, and servicing of a ~~any~~ residential
393 swimming pool, or hot tub or spa, regardless of use. The scope
394 of work includes the installation, repair, or replacement of
395 existing equipment, any cleaning or equipment sanitizing that
396 ~~which~~ requires at least a partial disassembling, excluding
397 filter changes, and the installation of new pool/spa equipment,
398 interior finishes, the installation of package pool heaters, the
399 installation of all perimeter piping and filter piping, and the
400 construction of equipment rooms or housing for pool/spa
401 equipment, and also includes the scope of work of a swimming
402 pool/spa servicing contractor. The scope of such work does not
403 include direct connections to a sanitary sewer system or to
404 potable water lines. The installation, construction,
405 modification, or replacement of equipment permanently attached
406 to and associated with the pool or spa for the purpose of water
407 treatment or cleaning of the pool or spa requires licensure;
408 however, the usage of such equipment for the purposes of water
409 treatment or cleaning does ~~shall~~ not require licensure unless
410 the usage involves construction, modification, or replacement of
411 such equipment. Water treatment that does not require such
412 equipment does not require a license. In addition, a license is
413 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a
414 ~~any~~ way that does not affect the structural integrity of the
415 pool or spa or its associated equipment.

416 (l) "Swimming pool/spa servicing contractor" means a
417 contractor whose scope of work involves, but is not limited to,
418 the repair and servicing of a ~~any~~ swimming pool, or hot tub or



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419 spa, whether public or private, or otherwise, regardless of use.
420 The scope of work includes the repair or replacement of existing
421 equipment, any cleaning or equipment sanitizing that ~~which~~
422 requires at least a partial disassembling, excluding filter
423 changes, and the installation of new pool/spa equipment,
424 interior refinishing, the reinstallation or addition of pool
425 heaters, the repair or replacement of all perimeter piping and
426 filter piping, the repair of equipment rooms or housing for
427 pool/spa equipment, and the substantial or complete draining of
428 a swimming pool, or hot tub or spa, for the purpose of ~~any~~
429 repair or renovation. The scope of such work does not include
430 direct connections to a sanitary sewer system or to potable
431 water lines. The installation, construction, modification,
432 substantial or complete disassembly, or replacement of equipment
433 permanently attached to and associated with the pool or spa for
434 the purpose of water treatment or cleaning of the pool or spa
435 requires licensure; however, the usage of such equipment for the
436 purposes of water treatment or cleaning does ~~shall~~ not require
437 licensure unless the usage involves construction, modification,
438 substantial or complete disassembly, or replacement of such
439 equipment. Water treatment that does not require such equipment
440 does not require a license. In addition, a license is ~~shall~~ not
441 ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way
442 that does not affect the structural integrity of the pool or spa
443 or its associated equipment.

444 (m) "Plumbing contractor" means a contractor whose
445 contracting business consists of the execution of contracts
446 requiring the experience, financial means, knowledge, and skill
447 to install, maintain, repair, alter, extend, or, if ~~when~~ not



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448 prohibited by law, design plumbing. A plumbing contractor may
449 install, maintain, repair, alter, extend, or, if ~~when~~ not
450 prohibited by law, design the following without obtaining an ~~any~~
451 additional local regulatory license, certificate, or
452 registration: sanitary drainage or storm drainage facilities;
453 venting systems; public or private water supply systems; septic
454 tanks; drainage and supply wells; swimming pool piping;
455 irrigation systems; or solar heating water systems and all
456 appurtenances, apparatus, or equipment used in connection
457 therewith, including boilers and pressure process piping and
458 including the installation of water, natural gas, liquefied
459 petroleum gas and related venting, and storm and sanitary sewer
460 lines; and water and sewer plants and substations. The scope of
461 work of the plumbing contractor also includes the design, if
462 ~~when~~ not prohibited by law, and installation, maintenance,
463 repair, alteration, or extension of air-piping, vacuum line
464 piping, oxygen line piping, nitrous oxide piping, and all
465 related medical gas systems; fire line standpipes and fire
466 sprinklers if ~~to the extent~~ authorized by law; ink and chemical
467 lines; fuel oil and gasoline piping and tank and pump
468 installation, except bulk storage plants; and pneumatic control
469 piping systems, all in ~~such~~ a manner that complies ~~as to comply~~
470 with all plans, specifications, codes, laws, and regulations
471 applicable. The scope of work of the plumbing contractor applies
472 ~~shall apply~~ to private property and public property, including
473 ~~shall include~~ any excavation work incidental thereto, and
474 includes ~~shall include~~ the work of the specialty plumbing
475 contractor. Such contractor shall subcontract, with a qualified
476 contractor in the field concerned, all other work incidental to



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477 the work but which is specified ~~herein~~ as being the work of a
478 trade other than that of a plumbing contractor. ~~Nothing in This~~
479 definition does not ~~shall be construed to~~ limit the scope of
480 work of any specialty contractor certified pursuant to s.
481 489.113(6), and does not. ~~Nothing in this definition shall be~~
482 ~~construed to~~ require certification or registration under this
483 part of any authorized employee of a public natural gas utility
484 or of a private natural gas utility regulated by the Public
485 Service Commission when disconnecting and reconnecting water
486 lines in the servicing or replacement of an existing water
487 heater.

488 (n) "Underground utility and excavation contractor" means a
489 contractor whose services are limited to the construction,
490 installation, and repair, on public or private property, whether
491 accomplished through open excavations or through other means,
492 including, but not limited to, directional drilling, auger
493 boring, jacking and boring, trenchless technologies, wet and dry
494 taps, grouting, and slip lining, of main sanitary sewer
495 collection systems, main water distribution systems, storm sewer
496 collection systems, and the continuation of utility lines from
497 the main systems to a point of termination up to and including
498 the meter location for the individual occupancy, sewer
499 collection systems at property line on residential or single-
500 occupancy commercial properties, or on multioccupancy properties
501 at manhole or wye lateral extended to an invert elevation as
502 engineered to accommodate future building sewers, water
503 distribution systems, or storm sewer collection systems at storm
504 sewer structures. However, an underground utility and excavation
505 contractor may install empty underground conduits in rights-of-



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506 way, easements, platted rights-of-way in new site development,
507 and sleeves for parking lot crossings no smaller than 2 inches
508 in diameter if, ~~provided that~~ each conduit system installed is
509 designed by a licensed professional engineer or an authorized
510 employee of a municipality, county, or public utility and ~~that~~
511 the installation of ~~any~~ such conduit does not include
512 installation of any conductor wiring or connection to an
513 energized electrical system. An underground utility and
514 excavation contractor may ~~shall~~ not install ~~any~~ piping that is
515 an integral part of a fire protection system as defined in s.
516 633.021 beginning at the point where the piping is used
517 exclusively for such system.

518 (o) "Solar contractor" means a contractor whose services
519 consist of the installation, alteration, repair, maintenance,
520 relocation, or replacement of solar panels for potable solar
521 water heating systems, swimming pool solar heating systems, and
522 photovoltaic systems and any appurtenances, apparatus, or
523 equipment used in connection therewith, whether public, private,
524 or otherwise, regardless of use. A contractor, certified or
525 registered pursuant to ~~the provisions of~~ this chapter, is not
526 required to become a certified or registered solar contractor or
527 to contract with a solar contractor in order to provide ~~any~~
528 services enumerated in this paragraph that are within the scope
529 of the services such contractors may render under this part.

530 (p) "Pollutant storage systems contractor" means a
531 contractor whose services are limited to, and who has the
532 experience, knowledge, and skill to install, maintain, repair,
533 alter, extend, or design, if ~~when~~ not prohibited by law, and use
534 materials and items used in the installation, maintenance,



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535 extension, and alteration of, pollutant storage tanks. Any
536 person installing a pollutant storage tank shall perform such
537 installation in accordance with the standards adopted pursuant
538 to s. 376.303.

539 (q) "Glass and glazing contractor" means a contractor whose
540 services are unlimited in the execution of contracts requiring
541 the experience, knowledge, and skill to install, attach,
542 maintain, repair, fabricate, alter, extend, or design, in
543 residential and commercial applications without any height
544 restrictions, all types of windows, glass, and mirrors, whether
545 fixed or movable; swinging or sliding glass doors attached to
546 existing walls, floors, columns, or other structural members of
547 the building; glass holding or supporting mullions or horizontal
548 bars; structurally anchored impact-resistant opening protection
549 attached to existing building walls, floors, columns, or other
550 structural members of the building; prefabricated glass, metal,
551 or plastic curtain walls; storefront frames or panels; shower
552 and tub enclosures; metal fascias; and caulking incidental to
553 such work and assembly.

554 (r) ~~(q)~~ "Specialty contractor" means a contractor whose
555 scope of work and responsibility is limited to a particular
556 phase of construction established in a category adopted by board
557 rule and whose scope is limited to a subset of the activities
558 described in one of the paragraphs of this subsection.

559 Section 12. Paragraphs (b) and (c) of subsection (4) of
560 section 489.107, Florida Statutes, are amended to read:

561 489.107 Construction Industry Licensing Board.—

562 (4) The board shall be divided into two divisions, Division
563 I and Division II.



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564 (b) Division II is comprised of the roofing contractor,
565 sheet metal contractor, air-conditioning contractor, mechanical
566 contractor, pool contractor, plumbing contractor, and
567 underground utility and excavation contractor members of the
568 board; one of the members appointed pursuant to paragraph
569 (2) (j); and one of the members appointed pursuant to paragraph
570 (2) (k). Division II has jurisdiction over the regulation of
571 contractors defined in s. 489.105(3) (d)-(g) ~~489.105(3) (d)-(p)~~.

572 (c) Jurisdiction for the regulation of specialty
573 contractors defined in s. 489.105(3) (r) ~~489.105(3) (q)~~ shall lie
574 with the division having jurisdiction over the scope of work of
575 the specialty contractor as defined by board rule.

576 Section 13. Paragraph (g) of subsection (2) of section
577 489.141, Florida Statutes, is amended to read:

578 489.141 Conditions for recovery; eligibility.—

579 (2) A claimant is not qualified to make a claim for
580 recovery from the recovery fund, if:

581 (g) The claimant has contracted with a licensee to perform
582 a scope of work described in s. 489.105(3) (d)-(r) ~~489.105(3) (d)-~~
583 ~~(q)~~.

584 Section 14. Subsection (1) of section 514.028, Florida
585 Statutes, is amended to read:

586 514.028 Advisory review board.—

587 (1) The Governor shall appoint an advisory review board
588 which shall meet as necessary or at least quarterly, to
589 recommend agency action on variance request, rule and policy
590 development, and other technical review problems. The board
591 shall be comprised of ~~the following~~:

592 (a) A representative from the office of licensure and



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593 certification of the department.

594 (b) A representative from the county health departments.

595 (c) Three representatives from the swimming pool
596 construction industry.

597 (d) A representative ~~Two representatives~~ from the public
598 lodging industry.

599 (e) A representative from a county or local building
600 department.

601 Section 15. Subsection (15) of section 553.73, Florida
602 Statutes, is amended to read:

603 553.73 Florida Building Code.—

604 (15) An agency or local government may not require that
605 existing mechanical equipment on the surface of a roof be
606 installed in compliance with ~~the requirements of~~ the Florida
607 Building Code until the equipment is required to be removed or
608 replaced, or the roof is replaced or recovered.

609 Section 16. Paragraph (v) of subsection (1) of section
610 553.74, Florida Statutes, is amended to read:

611 553.74 Florida Building Commission.—

612 (1) The Florida Building Commission is created and shall be
613 located within the Department of Community Affairs for
614 administrative purposes. Members shall be appointed by the
615 Governor subject to confirmation by the Senate. The commission
616 shall be composed of 25 members, consisting of the following:

617 (v) One member who is a representative of the green
618 building industry and who is a third-party commission agent, a
619 Florida board member of the United States Green Building Council
620 or Green Building Initiative, a professional who is accredited
621 under the International Green Construction Code (IGCC), or a



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622 professional who is accredited under Leadership in Energy and
623 Environmental Design (LEED) ~~LEED-accredited professional.~~

624
625 Any person serving on the commission under paragraph (c) or
626 paragraph (h) on October 1, 2003, and who has served less than
627 two full terms is eligible for reappointment to the commission
628 regardless of whether he or she meets the new qualification.

629 Section 17. Subsection (5) of section 553.842, Florida
630 Statutes, is amended to read:

631 553.842 Product evaluation and approval.—

632 (5) Statewide approval of products, methods, or systems of
633 construction may be achieved by one of the following methods.
634 One of these methods must be used by the commission to approve
635 the following categories of products: panel walls, exterior
636 doors, roofing, skylights, windows, shutters, and structural
637 components as established by the commission by rule. Products
638 advertised, sold, offered, provided, distributed, or marketed as
639 hurricane, windstorm, or impact protection from wind-borne
640 debris during a hurricane or windstorm must be approved in
641 accordance with s. 553.842 or s. 553.8425.

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

650 1. A certification mark or listing of an approved



- 651 certification agency, which may be used only for products for
652 which the code designates standardized testing;
- 653 2. A test report from an approved testing laboratory;
- 654 3. A product evaluation report based upon testing or
655 comparative or rational analysis, or a combination thereof, from
656 an approved product evaluation entity; or
- 657 4. A product evaluation report based upon testing or
658 comparative or rational analysis, or a combination thereof,
659 developed and signed and sealed by a professional engineer or
660 architect, licensed in this state.

661

662 A product evaluation report or a certification mark or listing
663 of an approved certification agency which demonstrates that the
664 product or method or system of construction complies with the
665 Florida Building Code for the purpose intended is ~~shall be~~
666 equivalent to a test report and test procedure ~~as~~ referenced in
667 the Florida Building Code. An application for state approval of
668 a product under subparagraph 1. must be approved by the
669 department after the commission staff or a designee verifies
670 that the application and related documentation are complete.
671 This verification must be completed within 10 business days
672 after receipt of the application. Upon approval by the
673 department, the product shall be immediately added to the list
674 of state-approved products maintained under subsection (13).
675 Approvals by the department shall be reviewed and ratified by
676 the commission's program oversight committee except for a
677 showing of good cause that a review by the full commission is
678 necessary. The commission shall adopt rules providing means to
679 cure deficiencies identified within submittals for products



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680 approved under this paragraph.

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

685 1. A product evaluation report based upon testing or
686 comparative or rational analysis, or a combination thereof, from
687 an approved product evaluation entity indicating that the
688 product or method or system of construction was ~~evaluated to be~~
689 in compliance with the intent of the Florida Building Code and
690 that the product or method or system of construction is, for the
691 purpose intended, at least equivalent to that required by the
692 Florida Building Code; or

693 2. A product evaluation report based upon testing or
694 comparative or rational analysis, or a combination thereof,
695 developed and signed and sealed by a professional engineer or
696 architect, licensed in this state, who certifies that the
697 product or method or system of construction is, for the purpose
698 intended, at least equivalent to that required by the Florida
699 Building Code.

700 Section 18. Subsections (3), (4), and (5) of section
701 553.909, Florida Statutes, are amended to read:

702 553.909 Setting requirements for appliances; exceptions.—

703 (3) Commercial or residential swimming ~~pool pumps or water~~
704 heaters manufactured on or after July 1, 2011, for installation
705 in this state must shall comply with the requirements of the
706 Florida Energy Efficiency Code for Building Construction ~~this~~
707 ~~subsection.~~

708 ~~(a) Natural gas pool heaters shall not be equipped with~~



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709 ~~constantly burning pilots.~~

710 ~~(b) Heat pump pool heaters shall have a coefficient of~~
711 ~~performance at low temperature of not less than 4.0.~~

712 ~~(c) The thermal efficiency of gas-fired pool heaters and~~
713 ~~oil-fired pool heaters shall not be less than 78 percent.~~

714 ~~(d) All pool heaters shall have a readily accessible on-off~~
715 ~~switch that is mounted outside the heater and that allows~~
716 ~~shutting off the heater without adjusting the thermostat~~
717 ~~setting.~~

718 ~~(4)(a) Residential swimming pool filtration pumps and pump~~
719 ~~motors manufactured and sold on or after July 1, 2011, for~~
720 ~~installation in this state must comply with the requirements of~~
721 ~~the Florida Energy Efficiency Code for Building Construction ~~in~~~~
722 ~~this subsection.~~

723 ~~(b) Residential filtration pool pump motors shall not be~~
724 ~~split phase, shaded pole, or capacitor start induction run~~
725 ~~types.~~

726 ~~(c) Residential filtration pool pumps and pool pump motors~~
727 ~~with a total horsepower of 1 HP or more shall have the~~
728 ~~capability of operating at two or more speeds with a low speed~~
729 ~~having a rotation rate that is no more than one-half of the~~
730 ~~motor's maximum rotation rate.~~

731 ~~(d) Residential filtration pool pump motor controls shall~~
732 ~~have the capability of operating the pool pump at a minimum of~~
733 ~~two speeds. The default circulation speed shall be the~~
734 ~~residential filtration speed, with a higher speed override~~
735 ~~capability being for a temporary period not to exceed one normal~~
736 ~~cycle or 24 hours, whichever is less; except that circulation~~
737 ~~speed for solar pool heating systems shall be permitted to run~~



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738 ~~at higher speeds during periods of usable solar heat gain.~~

739 (5) Portable electric spas manufactured and sold on or
740 after July 1, 2011, for installation in this state must comply
741 with the requirements of the Florida Energy Efficiency Code for
742 Building Construction ~~spa standby power shall not be greater~~
743 ~~than 5(V2/3) watts where V - the total volume, in gallons, when~~
744 ~~spas are measured in accordance with the spa industry test~~
745 ~~protocol.~~

746 Section 19. Paragraph (a) of subsection (2) of section
747 627.711, Florida Statutes, is amended to read:

748 627.711 Notice of premium discounts for hurricane loss
749 mitigation; uniform mitigation verification inspection form.-

750 (2) (a) The Financial Services Commission shall develop by
751 rule a uniform mitigation verification inspection form that
752 shall be used by all insurers when submitted by policyholders
753 for the purpose of factoring discounts for wind insurance. In
754 developing the form, the commission shall seek input from
755 insurance, construction, and building code representatives.
756 Further, the commission shall provide guidance as to the length
757 of time the inspection results are valid. An insurer shall
758 accept as valid a uniform mitigation verification form signed by
759 the following authorized mitigation inspectors:

760 1. A home inspector licensed under s. 468.8314 ~~who has~~
761 ~~completed at least 3 hours of hurricane mitigation training~~
762 ~~which includes hurricane mitigation techniques and compliance~~
763 ~~with the uniform mitigation verification form and completion of~~
764 ~~a proficiency exam. Thereafter, home inspectors licensed under~~
765 ~~s. 468.8314 must complete at least 2 hours of continuing~~
766 ~~education, as part of the existing licensure renewal~~



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767 ~~requirements each year, related to mitigation inspection and the~~
768 ~~uniform mitigation form;~~

769 2. A building code inspector certified under s. 468.607;

770 3. A general, building, or residential contractor licensed
771 under s. 489.111;

772 4. A professional engineer licensed under s. 471.015;

773 5. A professional architect licensed under s. 481.213; or

774 6. Any other individual or entity recognized by the insurer
775 as possessing the necessary qualifications to properly complete
776 a uniform mitigation verification form.

777 Section 20. Section 633.027, Florida Statutes, is amended
778 to read:

779 633.027 Buildings with light-frame truss-type construction;
780 notice requirements; enforcement.—

781 (1) As used in this section, the term "light-frame truss-
782 type construction" means a type of construction where the
783 primary structural elements are formed by a system of repetitive
784 wood or steel framing members, and includes:

785 (a) Open-web steel joist construction having a web member
786 that measures less than 2 1/2 inches in width; and

787 (b) Conventional light-frame wood and engineered lumber
788 having a web member that measures less than 2 inches by 8
789 inches, if used in roof or floor structural elements.

790 (2)~~(1)~~ The owner of a any commercial or industrial
791 structure, or any multiunit residential structure of three units
792 or more, that uses light-frame truss-type construction shall
793 identify ~~mark~~ the structure with a sign or symbol approved by
794 the State Fire Marshal in a manner sufficient to warn persons
795 conducting fire control and other emergency operations of the



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796 existence of light-frame truss-type construction in the
797 structure. The signs or symbols may be installed at the
798 principal entrances of locations where similarly designed
799 structures exist, in clear view of arriving emergency apparatus.

800 (3)(2) The State Fire Marshal shall adopt rules necessary
801 to implement the provisions of this section, including, but not
802 limited to:

803 (a) The dimensions and color of such sign or symbol.

804 (b) The time within which commercial, industrial, and
805 multiunit residential structures that use light-frame truss-type
806 construction must ~~shall~~ be identified ~~marked~~ as required by this
807 section.

808 (c) The location at ~~on~~ each commercial, industrial, and
809 multiunit residential structure that uses light-frame truss-type
810 construction where such sign or symbol must be posted.

811 (4)(3) The State Fire Marshal, and local fire officials in
812 accordance with s. 633.121, shall enforce the provisions of this
813 section. Any owner who fails to comply with the requirements of
814 this section is subject to penalties as provided in s. 633.161.

815 Section 21. Section 682.04, Florida Statutes, is amended to
816 read:

817 682.04 Appointment of arbitrators by court.—If an agreement
818 or provision for arbitration subject to this chapter ~~law~~
819 provides a method for the appointment of arbitrators or an
820 umpire, such ~~this~~ method must ~~shall~~ be followed. In the absence
821 thereof, or if the agreed method fails or for any reason cannot
822 be followed, or if an arbitrator or umpire who has been
823 appointed fails to act and his or her successor has not been
824 ~~duly~~ appointed, the court, on application of a party to such



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825 agreement or provision shall appoint one or more arbitrators or
826 an umpire. An arbitrator or umpire so appointed shall have like
827 powers as if named or provided for in the agreement or
828 provision. If an agreement or provision for arbitration requires
829 a party to follow an association or industry established
830 arbitration program where approved arbitrators are chosen from
831 within the program, either party may select one independent
832 arbitrator who has been deemed an arbitrator by the court.

833 Section 22. Section 682.11, Florida Statutes, is amended to
834 read:

835 682.11 Fees and expenses of arbitration.—Unless otherwise
836 provided in the agreement or provision for arbitration, the
837 arbitrators' and umpire's expenses and fees, together with other
838 expenses, not including counsel fees, incurred in the conduct of
839 the arbitration, shall be paid as provided in the award. If a
840 party selects an independent arbitrator pursuant to s. 682.04,
841 the independent arbitrators' expenses and fees shall be paid by
842 that party. If the party prevails, the independent arbitrators'
843 expenses and fees may be included in the award.

844 Section 23. This act shall take effect July 1, 2011.

845
846 ===== T I T L E A M E N D M E N T =====

847 And the title is amended as follows:

848 Delete everything before the enacting clause
849 and insert:

850 A bill to be entitled
851 An act relating to building construction and
852 inspection; amending s. 120.80, F.S.; exempting
853 certain rule proceedings relating to the Florida



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854 Building Code from certain provisions of ch. 120,
855 F.S.; amending s. 255.252, F.S.; conforming provisions
856 to changes made by the act; amending s. 255.253, F.S.;
857 redefining the term "sustainable building rating" to
858 include the International Green Construction Code;
859 amending ss. 255.257 and 255.2575, F.S.; requiring
860 that state agencies, local governments, and the court
861 system adopt a sustainable building rating system for
862 new and renovated buildings; amending s. 468.8316,
863 F.S.; revising the continuing education requirements
864 for licensed home inspectors; amending s. 468.8319,
865 F.S.; deleting an exemption for certain contractors
866 from the prohibition against performing repairs on a
867 home that has a home inspection report; deleting an
868 obsolete provision; amending s. 468.8323, F.S.;
869 clarifying a provision relating to the contents of a
870 home inspection report; amending s. 468.8324, F.S.;
871 providing alternative criteria for obtaining a home
872 inspector's license; amending s. 489.103, F.S.;
873 clarifying an exemption from construction contracting
874 regulation relating to Habitat for Humanity; amending
875 s. 489.105, F.S.; adding the term "glass and glazing
876 contractors" to the definition of the term
877 "contractor"; amending ss. 489.107 and 489.141, F.S.;
878 conforming cross-references; amending s. 514.028,
879 F.S.; revising the composition of the advisory review
880 board relating to public swimming pools and bathing
881 facilities; amending s. 553.73, F.S.; revising
882 requirements relating to the installation of



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883 mechanical equipment on a roof; amending s. 553.74,
884 F.S.; revising requirements for selecting a member of
885 the Florida Building Commission; amending s. 553.842,
886 F.S.; providing for the approval of certain windstorm
887 products; amending s. 553.909, F.S.; revising the
888 requirements for certain pool-related equipment;
889 amending s. 627.711, F.S.; revising requirements
890 relating to home inspectors conducting hurricane
891 mitigation inspections; amending s. 633.027, F.S.;
892 defining the term "light-frame truss-type
893 construction"; revising requirements relating to the
894 requirements for such construction; amending s.
895 682.04, F.S.; providing for the selection of an
896 arbitrator under certain circumstances; amending s.
897 682.11, F.S.; providing for the payment of an
898 arbitrator selected by a party; providing an effective
899 date.