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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
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. Subsection (2) of section 468.8324, Florida
147 Statutes, are amended to read:

148 468.8324 Grandfather clause.—

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

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

157 (a) Possesses certification as a one- and two-family



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158 dwelling inspector issued by the International Code Council or
159 the Southern Building Code Congress International;

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

163 (c) Possesses a Division I contractor license under part I
164 of chapter 489.

165 Section 10. Subsection (5) of section 481.329, Florida
166 Statutes, is amended to read:

167 481.329 Exceptions; exemptions from licensure.—

168 (5) Nothing in this part prohibits any person from engaging
169 in the practice of landscape design, as defined in s.
170 481.303(7), nor submitting such plans to government agencies for
171 approval. Persons providing landscape design services shall not
172 use the title, term, or designation "landscape architect,"
173 "landscape architectural," "landscape architecture," "L.A.,"
174 "landscape engineering," or any description tending to convey
175 the impression that she or he is a landscape architect unless
176 she or he is registered as provided in this part.

177 Section 11. Subsection (18) of section 489.103, Florida
178 Statutes, is amended to read:

179 489.103 Exemptions.—This part does not apply to:

180 (18) Any one-family, two-family, or three-family residence
181 constructed or created by Habitat for Humanity International,
182 Inc., or its local affiliates. Habitat for Humanity
183 International, Inc., or its local affiliates, must:

184 (a) Obtain all necessary building permits.

185 (b) Obtain all required building code inspections.

186 (c) Provide for supervision of all work by an individual



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187 with construction experience.

188 Section 12. Subsection (3) of section 489.105, Florida
189 Statutes, is amended to read

190 489.105 Definitions.—As used in this part:

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

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

215 (b) "Building contractor" means a contractor whose services



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216 are limited to construction of commercial buildings and single-
217 dwelling or multiple-dwelling residential buildings, which
218 ~~commercial or residential buildings~~ do not exceed three stories
219 in height, and accessory use structures in connection therewith
220 or a contractor whose services are limited to remodeling,
221 repair, or improvement of any size building if the services do
222 not affect the structural members of the building.

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

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

243 (e) "Roofing contractor" means a contractor whose services
244 are unlimited in the roofing trade and who has the experience,



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245 knowledge, and skill to install, maintain, repair, alter,
246 extend, or design, if ~~when~~ not prohibited by law, and use
247 materials and items used in the installation, maintenance,
248 extension, and alteration of all kinds of roofing,
249 waterproofing, and coating, except when coating is not
250 represented to protect, repair, waterproof, stop leaks, or
251 extend the life of the roof. The scope of work of a roofing
252 contractor also includes required roof-deck attachments and any
253 repair or replacement of wood roof sheathing or fascia as needed
254 during roof repair or replacement.

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



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

285 (g) "Class B air-conditioning contractor" means a
286 contractor whose services are limited to 25 tons of cooling and
287 500,000 Btu of heating in any one system in the execution of
288 contracts requiring the experience, knowledge, and skill to
289 install, maintain, repair, fabricate, alter, extend, or design,
290 if when not prohibited by law, central air-conditioning,
291 refrigeration, heating, and ventilating systems, including duct
292 work in connection with a complete system only to the extent
293 such duct work is performed by the contractor as ~~is~~ necessary to
294 ~~make~~ complete an air-distribution system being installed under
295 this classification, and any duct cleaning and equipment
296 sanitizing that ~~which~~ requires at least a partial disassembling
297 of the system; to install, maintain, repair, fabricate, alter,
298 extend, or design, if when not prohibited by law, piping and
299 insulation of pipes, vessels, and ducts; to replace, disconnect,
300 or reconnect power wiring on the load side of the dedicated
301 existing electrical disconnect switch; to install, disconnect,
302 and reconnect low voltage heating, ventilating, and air-



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303 conditioning control wiring; and to install a condensate drain
304 from an air-conditioning unit to an existing safe waste or other
305 approved disposal other than a direct connection to a sanitary
306 system. The scope of work for such contractor ~~shall~~ also
307 includes ~~include~~ any excavation work incidental thereto, but
308 does ~~shall~~ not include any work such as liquefied petroleum or
309 natural gas fuel lines within buildings, except for
310 disconnecting or reconnecting changeouts of liquefied petroleum
311 or natural gas appliances within buildings; potable water lines
312 or connections thereto; sanitary sewer lines; swimming pool
313 piping and filters; or electrical power wiring.

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

327 (i) "Mechanical contractor" means a contractor whose
328 services are unlimited in the execution of contracts requiring
329 the experience, knowledge, and skill to install, maintain,
330 repair, fabricate, alter, extend, or design, if ~~when~~ not
331 prohibited by law, central air-conditioning, refrigeration,



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

360 (j) "Commercial pool/spa contractor" means a contractor



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

386 (k) "Residential pool/spa contractor" means a contractor
387 whose scope of work involves, but is not limited to, the
388 construction, repair, and servicing of a ~~any~~ residential
389 swimming pool, or hot tub or spa, regardless of use. The scope



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

412 (1) "Swimming pool/spa servicing contractor" means a
413 contractor whose scope of work involves, but is not limited to,
414 the repair and servicing of a ~~any~~ swimming pool, or hot tub or
415 spa, whether public or private, or otherwise, regardless of use.
416 The scope of work includes the repair or replacement of existing
417 equipment, any cleaning or equipment sanitizing that ~~which~~
418 requires at least a partial disassembling, excluding filter



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

440 (m) "Plumbing contractor" means a contractor whose
441 contracting business consists of the execution of contracts
442 requiring the experience, financial means, knowledge, and skill
443 to install, maintain, repair, alter, extend, or, if ~~when~~ not
444 prohibited by law, design plumbing. A plumbing contractor may
445 install, maintain, repair, alter, extend, or, if ~~when~~ not
446 prohibited by law, design the following without obtaining an ~~any~~
447 additional local regulatory license, certificate, or



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448 registration: sanitary drainage or storm drainage facilities;
449 venting systems; public or private water supply systems; septic
450 tanks; drainage and supply wells; swimming pool piping;
451 irrigation systems; or solar heating water systems and all
452 appurtenances, apparatus, or equipment used in connection
453 therewith, including boilers and pressure process piping and
454 including the installation of water, natural gas, liquefied
455 petroleum gas and related venting, and storm and sanitary sewer
456 lines; and water and sewer plants and substations. The scope of
457 work of the plumbing contractor also includes the design, if
458 ~~when~~ not prohibited by law, and installation, maintenance,
459 repair, alteration, or extension of air-piping, vacuum line
460 piping, oxygen line piping, nitrous oxide piping, and all
461 related medical gas systems; fire line standpipes and fire
462 sprinklers if to the extent authorized by law; ink and chemical
463 lines; fuel oil and gasoline piping and tank and pump
464 installation, except bulk storage plants; and pneumatic control
465 piping systems, all in ~~such~~ a manner that complies as to comply
466 with all plans, specifications, codes, laws, and regulations
467 applicable. The scope of work of the plumbing contractor applies
468 ~~shall apply~~ to private property and public property, including
469 ~~shall include~~ any excavation work incidental thereto, and
470 includes ~~shall include~~ the work of the specialty plumbing
471 contractor. Such contractor shall subcontract, with a qualified
472 contractor in the field concerned, all other work incidental to
473 the work but which is specified ~~herein~~ as being the work of a
474 trade other than that of a plumbing contractor. ~~Nothing in~~ This
475 definition does not ~~shall be construed to~~ limit the scope of
476 work of any specialty contractor certified pursuant to s.



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477 489.113(6), and does not. ~~Nothing in this definition shall be~~
478 ~~construed to~~ require certification or registration under this
479 part of any authorized employee of a public natural gas utility
480 or of a private natural gas utility regulated by the Public
481 Service Commission when disconnecting and reconnecting water
482 lines in the servicing or replacement of an existing water
483 heater.

484 (n) "Underground utility and excavation contractor" means a
485 contractor whose services are limited to the construction,
486 installation, and repair, on public or private property, whether
487 accomplished through open excavations or through other means,
488 including, but not limited to, directional drilling, auger
489 boring, jacking and boring, trenchless technologies, wet and dry
490 taps, grouting, and slip lining, of main sanitary sewer
491 collection systems, main water distribution systems, storm sewer
492 collection systems, and the continuation of utility lines from
493 the main systems to a point of termination up to and including
494 the meter location for the individual occupancy, sewer
495 collection systems at property line on residential or single-
496 occupancy commercial properties, or on multioccupancy properties
497 at manhole or wye lateral extended to an invert elevation as
498 engineered to accommodate future building sewers, water
499 distribution systems, or storm sewer collection systems at storm
500 sewer structures. However, an underground utility and excavation
501 contractor may install empty underground conduits in rights-of-
502 way, easements, platted rights-of-way in new site development,
503 and sleeves for parking lot crossings no smaller than 2 inches
504 in diameter if, ~~provided that~~ each conduit system installed is
505 designed by a licensed professional engineer or an authorized



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506 employee of a municipality, county, or public utility and ~~that~~
507 the installation of ~~any~~ such conduit does not include
508 installation of any conductor wiring or connection to an
509 energized electrical system. An underground utility and
510 excavation contractor may ~~shall~~ not install ~~any~~ piping that is
511 an integral part of a fire protection system as defined in s.
512 633.021 beginning at the point where the piping is used
513 exclusively for such system.

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

526 (p) "Pollutant storage systems contractor" means a
527 contractor whose services are limited to, and who has the
528 experience, knowledge, and skill to install, maintain, repair,
529 alter, extend, or design, if ~~when~~ not prohibited by law, and use
530 materials and items used in the installation, maintenance,
531 extension, and alteration of, pollutant storage tanks. Any
532 person installing a pollutant storage tank shall perform such
533 installation in accordance with the standards adopted pursuant
534 to s. 376.303.



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

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

555 Section 13. Paragraphs (b) and (c) of subsection (4) of
556 section 489.107, Florida Statutes, are amended to read:

557 489.107 Construction Industry Licensing Board.—

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

560 (b) Division II is comprised of the roofing contractor,
561 sheet metal contractor, air-conditioning contractor, mechanical
562 contractor, pool contractor, plumbing contractor, and
563 underground utility and excavation contractor members of the



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564 board; one of the members appointed pursuant to paragraph
565 (2) (j); and one of the members appointed pursuant to paragraph
566 (2) (k). Division II has jurisdiction over the regulation of
567 contractors defined in s. 489.105(3) (d)-(q) ~~489.105(3) (d)-(p)~~.

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

572 Section 14. Paragraph (g) of subsection (2) of section
573 489.141, Florida Statutes, is amended to read:

574 489.141 Conditions for recovery; eligibility.—

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

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

580 Section 15. Subsection (1) of section 514.028, Florida
581 Statutes, is amended to read:

582 514.028 Advisory review board.—

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

588 (a) A representative from the office of licensure and
589 certification of the department.

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

591 (c) Three representatives from the swimming pool
592 construction industry.



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593 (d) A representative ~~Two representatives~~ from the public
594 lodging industry.

595 (e) A representative from a county or local building
596 department.

597 Section 16. Subsection (3) of section 527.06, Florida
598 Statutes, is amended to read:

599 527.06 Rules.—

600 (3) (a) Rules in substantial conformity with the published
601 standards of the National Fire Protection Association (NFPA) are
602 ~~shall be~~ deemed to be in substantial conformity with the
603 generally accepted standards of safety concerning the same
604 subject matter.

605 (b) Notwithstanding any other law, the department or other
606 state agency may not require compliance with the minimum
607 separation distances of NFPA 58 for separation between a
608 liquefied petroleum gas tank and a building, adjoining property
609 line, other liquefied petroleum gas tank, or any source of
610 ignition, except in compliance with the minimum separation
611 distances of the 2011 edition of NFPA 58. This subsection shall
612 be deemed repealed upon the last effective date of rules
613 adopted, directly or as incorporated by reference, by the
614 department, the Florida Building Commission as part of the
615 Florida Building Code, and the Office of State Fire Marshal as
616 part of the Florida Fire Prevention Code of these minimum
617 separation distances as contained in the 2011 edition of NFPA 58
618 promulgated by the National Fire Protection Association.

619 Section 17. Subsection (11) of section 527.21, Florida
620 Statutes, is amended to read:

621 527.21 Definitions relating to Florida Propane Gas



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622 Education, Safety, and Research Act.—As used in ss. 527.20-
623 527.23, the term:

624 (11) "Propane" includes propane, butane, mixtures, and
625 liquefied petroleum gas as defined by ~~the~~ National Fire
626 Protection Association (NFPA) Standard 58, For The Storage and
627 ~~Handling of Liquefied Petroleum Gas Code Cases.~~

628 Section 18. Subsection (15) of section 553.73, Florida
629 Statutes, is amended to read:

630 553.73 Florida Building Code.—

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

636 Section 19. Paragraph (v) of subsection (1) of section
637 553.74, Florida Statutes, is amended to read:

638 553.74 Florida Building Commission.—

639 (1) The Florida Building Commission is created and shall be
640 located within the Department of Community Affairs for
641 administrative purposes. Members shall be appointed by the
642 Governor subject to confirmation by the Senate. The commission
643 shall be composed of 25 members, consisting of the following:

644 (v) One member who is a representative of the green
645 building industry and who is a third-party commission agent, a
646 Florida board member of the United States Green Building Council
647 or Green Building Initiative, a professional who is accredited
648 under the International Green Construction Code (IGCC), or a
649 professional who is accredited under Leadership in Energy and
650 Environmental Design (LEED) ~~LEED-accredited professional.~~



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651
652 Any person serving on the commission under paragraph (c) or
653 paragraph (h) on October 1, 2003, and who has served less than
654 two full terms is eligible for reappointment to the commission
655 regardless of whether he or she meets the new qualification.

656 Section 20. Subsection (5) of section 553.842, Florida
657 Statutes, is amended to read:

658 553.842 Product evaluation and approval.—

659 (5) Statewide approval of products, methods, or systems of
660 construction may be achieved by one of the following methods.
661 One of these methods must be used by the commission to approve
662 the following categories of products: panel walls, exterior
663 doors, roofing, skylights, windows, shutters, and structural
664 components as established by the commission by rule. Products
665 advertised, sold, offered, provided, distributed, or marketed as
666 hurricane, windstorm, or impact protection from wind-borne
667 debris during a hurricane or windstorm must be approved in
668 accordance with s. 553.842 or s. 553.8425.

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

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



- 680 2. A test report from an approved testing laboratory;
681 3. A product evaluation report based upon testing or
682 comparative or rational analysis, or a combination thereof, from
683 an approved product evaluation entity; or
684 4. A product evaluation report based upon testing or
685 comparative or rational analysis, or a combination thereof,
686 developed and signed and sealed by a professional engineer or
687 architect, licensed in this state.

688
689 A product evaluation report or a certification mark or listing
690 of an approved certification agency which demonstrates that the
691 product or method or system of construction complies with the
692 Florida Building Code for the purpose intended is ~~shall be~~
693 equivalent to a test report and test procedure ~~as~~ referenced in
694 the Florida Building Code. An application for state approval of
695 a product under subparagraph 1. must be approved by the
696 department after the commission staff or a designee verifies
697 that the application and related documentation are complete.
698 This verification must be completed within 10 business days
699 after receipt of the application. Upon approval by the
700 department, the product shall be immediately added to the list
701 of state-approved products maintained under subsection (13).
702 Approvals by the department shall be reviewed and ratified by
703 the commission's program oversight committee except for a
704 showing of good cause that a review by the full commission is
705 necessary. The commission shall adopt rules providing means to
706 cure deficiencies identified within submittals for products
707 approved under this paragraph.

708 (b) Products, methods, or systems of construction for which



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709 there are no specific standardized testing or comparative or
710 rational analysis methods established in the code may be
711 approved by submittal and validation of one of the following:

712 1. A product evaluation report based upon testing or
713 comparative or rational analysis, or a combination thereof, from
714 an approved product evaluation entity indicating that the
715 product or method or system of construction was ~~evaluated to be~~
716 in compliance with the intent of the Florida Building Code and
717 that the product or method or system of construction is, for the
718 purpose intended, at least equivalent to that required by the
719 Florida Building Code; or

720 2. A product evaluation report based upon testing or
721 comparative or rational analysis, or a combination thereof,
722 developed and signed and sealed by a professional engineer or
723 architect, licensed in this state, who certifies that the
724 product or method or system of construction is, for the purpose
725 intended, at least equivalent to that required by the Florida
726 Building Code.

727 Section 21. Subsections (3), (4), and (5) of section
728 553.909, Florida Statutes, are amended to read:

729 553.909 Setting requirements for appliances; exceptions.—

730 (3) Commercial or residential swimming ~~pool pumps or water~~
731 heaters manufactured on or after July 1, 2011, for installation
732 in this state must shall comply with the requirements of the
733 Florida Energy Efficiency Code for Building Construction this
734 subsection.

735 ~~(a) Natural gas pool heaters shall not be equipped with~~
736 ~~constantly burning pilots.~~

737 ~~(b) Heat pump pool heaters shall have a coefficient of~~



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738 ~~performance at low temperature of not less than 4.0.~~

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

741 ~~(d) All pool heaters shall have a readily accessible on-off~~
742 ~~switch that is mounted outside the heater and that allows~~
743 ~~shutting off the heater without adjusting the thermostat~~
744 ~~setting.~~

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

750 ~~(b) Residential filtration pool pump motors shall not be~~
751 ~~split-phase, shaded-pole, or capacitor start-induction run~~
752 ~~types.~~

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

758 ~~(d) Residential filtration pool pump motor controls shall~~
759 ~~have the capability of operating the pool pump at a minimum of~~
760 ~~two speeds. The default circulation speed shall be the~~
761 ~~residential filtration speed, with a higher speed override~~
762 ~~capability being for a temporary period not to exceed one normal~~
763 ~~cycle or 24 hours, whichever is less; except that circulation~~
764 ~~speed for solar pool heating systems shall be permitted to run~~
765 ~~at higher speeds during periods of usable solar heat gain.~~

766 ~~(5) Portable electric spas manufactured and sold on or~~



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767 after July 1, 2011, for installation in this state must comply
768 with the requirements of the Florida Energy Efficiency Code for
769 Building Construction ~~spa standby power shall not be greater~~
770 ~~than 5(V²/3) watts where V = the total volume, in gallons, when~~
771 ~~spas are measured in accordance with the spa industry test~~
772 ~~protocol.~~

773 Section 22. Paragraph (a) of subsection (2) of section
774 627.711, Florida Statutes, is amended to read:

775 627.711 Notice of premium discounts for hurricane loss
776 mitigation; uniform mitigation verification inspection form.—

777 (2) (a) The Financial Services Commission shall develop by
778 rule a uniform mitigation verification inspection form that
779 shall be used by all insurers when submitted by policyholders
780 for the purpose of factoring discounts for wind insurance. In
781 developing the form, the commission shall seek input from
782 insurance, construction, and building code representatives.
783 Further, the commission shall provide guidance as to the length
784 of time the inspection results are valid. An insurer shall
785 accept as valid a uniform mitigation verification form signed by
786 the following authorized mitigation inspectors:

787 1. A home inspector licensed under s. 468.8314 who has
788 completed at least 3 hours of hurricane mitigation training
789 approved by the Construction Industry Licensing Board which
790 includes hurricane mitigation techniques and compliance with the
791 uniform mitigation verification form and completion of a
792 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~
793 ~~468.8314 must complete at least 2 hours of continuing education,~~
794 ~~as part of the existing licensure renewal requirements each~~
795 ~~year, related to mitigation inspection and the uniform~~



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796 ~~mitigation form;~~

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

798 3. A general, building, or residential contractor licensed
799 under s. 489.111;

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

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

802 6. Any other individual or entity recognized by the insurer
803 as possessing the necessary qualifications to properly complete
804 a uniform mitigation verification form.

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

806

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

808 And the title is amended as follows:

809 Delete everything before the enacting clause
810 and insert:

811 A bill to be entitled

812 An act relating to building construction and
813 inspection; amending s. 120.80, F.S.; exempting
814 certain rule proceedings relating to the Florida
815 Building Code from certain provisions of ch. 120,
816 F.S.; amending s. 255.252, F.S.; conforming provisions
817 to changes made by the act; amending s. 255.253, F.S.;
818 redefining the term "sustainable building rating" to
819 include the International Green Construction Code;
820 amending ss. 255.257 and 255.2575, F.S.; requiring
821 that state agencies, local governments, and the court
822 system adopt a sustainable building rating system for
823 new and renovated buildings; amending s. 468.8316,
824 F.S.; revising the continuing education requirements



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825 for licensed home inspectors; amending s. 468.8319,
826 F.S.; deleting an exemption for certain contractors
827 from the prohibition against performing repairs on a
828 home that has a home inspection report; deleting an
829 obsolete provision; amending s. 468.8323, F.S.;
830 clarifying a provision relating to the contents of a
831 home inspection report; amending s. 468.8324, F.S.;
832 providing alternative criteria for obtaining a home
833 inspector's license; amending s. 481.329, F.S.;
834 providing that nothing in part II of chapter 481 shall
835 preclude any person engaging in the business of
836 landscape design from submitting such plans to
837 government agencies for approval; amending s. 489.103,
838 F.S.; clarifying an exemption from construction
839 contracting regulation relating to Habitat for
840 Humanity; amending s. 489.105, F.S.; adding the term
841 "glass and glazing contractors" to the definition of
842 the term "contractor"; amending ss. 489.107 and
843 489.141, F.S.; conforming cross-references; amending
844 s. 514.028, F.S.; revising the composition of the
845 advisory review board relating to public swimming
846 pools and bathing facilities; amending s. 527.06,
847 F.S.; prohibiting the Department of Agriculture and
848 Consumer Services and other state agencies from
849 requiring compliance with certain national standards
850 for liquefied petroleum gas tanks unless the
851 department or agencies require compliance with a
852 specified edition of the national standards; providing
853 for repeal under certain circumstances; amending s.



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854 527.21, F.S.; revising the term "propane" for purposes
855 of the Florida Propane Gas Education, Safety, and
856 Research Act, to incorporate changes to certain
857 national standards in a reference thereto; amending s.
858 553.73, F.S.; revising requirements relating to the
859 installation of mechanical equipment on a roof;
860 amending s. 553.74, F.S.; revising requirements for
861 selecting a member of the Florida Building Commission;
862 amending s. 553.842, F.S.; providing for the approval
863 of certain windstorm products; amending s. 553.909,
864 F.S.; revising the requirements for certain pool-
865 related equipment; amending s. 627.711, F.S.; revising
866 requirements relating to home inspectors conducting
867 hurricane mitigation inspections; providing an
868 effective date.