

By the Committee on Community Affairs; and Senator Bennett

578-02159-11

2011396c1

1 A bill to be entitled
2 An act relating to building construction and
3 inspection; amending s. 120.80, F.S.; exempting
4 certain rule proceedings relating to the Florida
5 Building Code from certain provisions of ch. 120,
6 F.S.; amending s. 161.053, F.S.; prohibiting the
7 Florida Building Commission from adopting rules that
8 limit any exceptions or exemptions provided for
9 modifications or repairs of existing structures within
10 the limits of an existing foundation under certain
11 circumstances; amending s. 255.252, F.S.; conforming
12 provisions to changes made by the act; amending s.
13 255.253, F.S.; redefining the term "sustainable
14 building rating" to include the International Green
15 Construction Code; amending ss. 255.257 and 255.2575,
16 F.S.; requiring that state agencies, local
17 governments, and the court system adopt a sustainable
18 building rating system for new and renovated
19 buildings; amending s. 468.8316, F.S.; revising the
20 continuing education requirements for licensed home
21 inspectors; amending s. 468.8319, F.S.; deleting an
22 exemption for certain contractors from the prohibition
23 against performing repairs on a home that has a home
24 inspection report; deleting an obsolete provision;
25 amending s. 468.8323, F.S.; clarifying a provision
26 relating to the contents of a home inspection report;
27 amending s. 468.8324, F.S.; providing alternative
28 criteria for obtaining a home inspector's license;
29 amending s. 481.329, F.S.; providing that part II of

578-02159-11

2011396c1

30 ch. 481, F.S., does not preclude any person who
31 engages in the business of landscape design from
32 submitting such plans to governmental agencies for
33 approval; amending s. 489.103, F.S.; clarifying an
34 exemption from construction contracting regulation
35 relating to Habitat for Humanity; amending s. 489.105,
36 F.S.; adding the term "glass and glazing contractors"
37 to the definition of the term "contractor"; amending
38 ss. 489.107 and 489.141, F.S.; conforming cross-
39 references; amending s. 514.028, F.S.; revising the
40 composition of the advisory review board relating to
41 public swimming pools and bathing facilities; amending
42 s. 527.06, F.S.; prohibiting the Department of
43 Agriculture and Consumer Services and other state
44 agencies from requiring compliance with certain
45 national standards for liquefied petroleum gas tanks
46 unless the department or agencies require compliance
47 with a specified edition of the national standards;
48 providing for repeal under certain circumstances;
49 amending s. 527.21, F.S.; revising the term "propane"
50 for purposes of the Florida Propane Gas Education,
51 Safety, and Research Act, to incorporate changes to
52 certain national standards in a reference thereto;
53 amending s. 553.73, F.S.; revising requirements
54 relating to the Florida Building Code; providing for a
55 supplement to the code; specifying national codes to
56 form the foundation for state building standards and
57 codes; revising how often the Florida Building
58 Commission may approve technical amendments to the

578-02159-11

2011396c1

59 code; requiring proposed amendments to base codes to
60 provide justifications; revising requirements relating
61 to the installation of mechanical equipment on a roof;
62 amending s. 553.74, F.S.; revising requirements for
63 selecting a member of the Florida Building Commission;
64 amending s. 553.842, F.S.; providing for the approval
65 of certain windstorm products; amending s. 553.909,
66 F.S.; revising the requirements for certain pool-
67 related equipment; amending s. 627.711, F.S.; revising
68 requirements relating to home inspectors conducting
69 hurricane mitigation inspections; providing an
70 effective date.

71

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

73

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

76 120.80 Exceptions and special requirements; agencies.—

77 (16) FLORIDA BUILDING COMMISSION.—

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

81 Section 2. Paragraph (a) of subsection (11) of section
82 161.053, Florida Statutes, is amended to read:

83 161.053 Coastal construction and excavation; regulation on
84 county basis.—

85 (11) (a) The coastal construction control requirements
86 defined in subsection (1) and the requirements of the erosion
87 projections in subsection (5) do not apply to any modification,

578-02159-11

2011396c1

88 maintenance, or repair of any existing structure within the
89 limits of the existing foundation which does not require,
90 involve, or include any additions to, or repair or modification
91 of, the existing foundation of that structure. Specifically
92 excluded from this exemption are seawalls or other rigid coastal
93 or shore protection structures and any additions or enclosures
94 added, constructed, or installed below the first dwelling floor
95 or lowest deck of the existing structure. The Florida Building
96 Commission may not adopt any rule having the effect of limiting
97 any exceptions or exemptions contained within this paragraph.

98 Section 3. Subsections (3) and (4) of section 255.252,
99 Florida Statutes, are amended to read:

100 255.252 Findings and intent.—

101 (3) In order for ~~that such~~ energy-efficiency and
102 sustainable materials considerations to become a function of
103 building design and a model for future application in the
104 private sector, it is ~~shall be~~ the policy of the state that
105 buildings constructed and financed by the state be designed and
106 constructed to comply with a sustainable building rating ~~the~~
107 ~~United States Green Building Council (USGBC) Leadership in~~
108 ~~Energy and Environmental Design (LEED) rating system, the Green~~
109 ~~Building Initiative's Green Globes rating system, the Florida~~
110 ~~Green Building Coalition standards, or a nationally recognized,~~
111 ~~high-performance green building rating system as approved by the~~
112 ~~department.~~ It is further the policy of the state, if when
113 economically feasible, to retrofit existing state-owned
114 buildings in a manner that minimizes ~~which will minimize~~ the
115 consumption of energy used in the operation and maintenance of
116 such buildings.

578-02159-11

2011396c1

117 (4) In addition to designing and constructing new buildings
118 to be energy-efficient, it is ~~shall be~~ the policy of the state
119 to operate and maintain state facilities in a manner that
120 minimizes ~~which will minimize~~ energy consumption and maximizes
121 ~~maximize~~ building sustainability, and to operate ~~as well as~~
122 ~~ensure that~~ facilities leased by the state ~~are operated~~ so as to
123 minimize energy use. It is further the policy of the state that
124 the renovation of existing state facilities be in accordance
125 with a sustainable building rating ~~the United States Green~~
126 ~~Building Council (USGBC) Leadership in Energy and Environmental~~
127 ~~Design (LEED) rating system, the Green Building Initiative's~~
128 ~~Green Globes rating system, the Florida Green Building Coalition~~
129 ~~standards, or a nationally recognized, high-performance green~~
130 ~~building rating system as approved by the department.~~ State
131 agencies are encouraged to consider shared savings financing of
132 ~~such~~ energy-efficiency and conservation projects, using
133 contracts that ~~which~~ split the resulting savings for a specified
134 period of time between the state agency and the private firm or
135 cogeneration contracts and that ~~which~~ otherwise permit the state
136 to lower its net energy costs. Such energy contracts may be
137 funded from the operating budget.

138 Section 4. Subsection (7) of section 255.253, Florida
139 Statutes, is amended to read:

140 255.253 Definitions; ss. 255.251-255.258.—

141 (7) "Sustainable building rating" means a rating
142 established by the United States Green Building Council (USGBC)
143 Leadership in Energy and Environmental Design (LEED) rating
144 system, the International Green Construction Code (IGCC), the
145 Green Building Initiative's Green Globes rating system, the

578-02159-11

2011396c1

146 Florida Green Building Coalition standards, or a nationally
147 recognized, high-performance green building rating system as
148 approved by the department.

149 Section 5. Subsection (4) of section 255.257, Florida
150 Statutes, is amended to read:

151 255.257 Energy management; buildings occupied by state
152 agencies.—

153 (4) ADOPTION OF STANDARDS.—

154 (a) All state agencies shall adopt a sustainable building
155 rating system ~~the United States Green Building Council (USGBC)~~
156 ~~Leadership in Energy and Environmental Design (LEED) rating~~
157 ~~system, the Green Building Initiative's Green Globes rating~~
158 ~~system, the Florida Green Building Coalition standards, or a~~
159 ~~nationally recognized, high-performance green building rating~~
160 ~~system as approved by the department~~ for all new buildings and
161 renovations to existing buildings.

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

167 (c) All state agencies shall develop energy conservation
168 measures and guidelines for new and existing office space where
169 state agencies occupy more than 5,000 square feet. These
170 conservation measures shall focus on programs that may reduce
171 energy consumption and, when established, provide a net
172 reduction in occupancy costs.

173 Section 6. Subsection (2) of section 255.2575, Florida
174 Statutes, is amended to read:

578-02159-11

2011396c1

175 255.2575 Energy-efficient and sustainable buildings.-
176 (2) All county, municipal, school district, water
177 management district, state university, community college, and
178 ~~Florida~~ state court buildings shall be constructed to comply
179 with a sustainable building rating system ~~meet the United States~~
180 ~~Green Building Council (USGBC) Leadership in Energy and~~
181 ~~Environmental Design (LEED) rating system, the Green Building~~
182 ~~Initiative's Green Globes rating system, the Florida Green~~
183 ~~Building Coalition standards, or a nationally recognized, high-~~
184 ~~performance green building rating system as approved by the~~
185 ~~Department of Management Services. This section applies shall~~
186 ~~apply~~ to all county, municipal, school district, water
187 management district, state university, community college, and
188 ~~Florida~~ state court buildings the architectural plans of which
189 are commenced after July 1, 2008.

190 Section 7. Subsection (1) of section 468.8316, Florida
191 Statutes, is amended to read:

192 468.8316 Continuing education.-

193 (1) The department may not renew a license until the
194 licensee submits proof satisfactory to the department that
195 during the 2 years before ~~prior to his or her~~ application for
196 renewal the licensee ~~has~~ completed at least 14 hours of
197 continuing education. Of the 14 hours, at least 2 hours must be
198 in hurricane mitigation training that includes hurricane
199 mitigation techniques and compliance with the uniform mitigation
200 verification inspection form developed under s. 627.711(2). The
201 department shall adopt rules establishing criteria for approving
202 continuing education providers and courses ~~course content shall~~
203 ~~be approved by the department by rule.~~

578-02159-11

2011396c1

204 Section 8. Paragraph (f) of subsection (1) and subsection
205 (3) of section 468.8319, Florida Statutes, are amended to read
206 468.8319 Prohibitions; penalties.—

207 (1) A person may not:

208 (f) Perform or offer to perform any repairs to a home on
209 which the inspector or the inspector's company has prepared a
210 home inspection report. This paragraph does not apply to:

211 ~~1. a home warranty company that is affiliated with or~~
212 ~~retains a home inspector to perform repairs pursuant to a claim~~
213 ~~made under a home warranty contract.~~

214 ~~2. A certified contractor who is classified in s.~~
215 ~~489.105(3) as a Division I contractor. However, the department~~
216 ~~may adopt rules requiring that, if such contractor performs the~~
217 ~~home inspection and offers to perform the repairs, the contract~~
218 ~~for repairs provided to the homeowner discloses that he or she~~
219 ~~has the right to request competitive bids.~~

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

223 Section 9. Paragraph (b) of subsection (1) of section
224 468.8323, Florida Statutes, is amended to read:

225 468.8323 Home inspection report.—Upon completion of each
226 home inspection for compensation, the home inspector shall
227 provide a written report prepared for the client.

228 (1) The home inspector shall report:

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

232 Section 10. Present subsections (3) and (4) of section

578-02159-11

2011396c1

233 468.8324, Florida Statutes, are renumbered as subsections (4)
234 and (5), respectively, and a new subsection (3) is added to that
235 section, to read:

236 468.8324 Grandfather clause.—

237 (3) A person who performs home inspection services may
238 qualify for licensure as a home inspector under this part if the
239 person submits an application to the department postmarked on or
240 before July 1, 2012, which shows that the applicant:

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

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

247 (c) Possesses a Division I contractor license under part I
248 of chapter 489.

249 Section 11. Subsection (5) of section 481.329, Florida
250 Statutes, is amended to read:

251 481.329 Exceptions; exemptions from licensure.—

252 (5) Nothing in this part prohibits any person from engaging
253 in the practice of landscape design, as defined in s.
254 481.303(7), nor submitting such plans to governmental agencies
255 for approval. Persons providing landscape design services shall
256 not use the title, term, or designation "landscape architect,"
257 "landscape architectural," "landscape architecture," "L.A.,"
258 "landscape engineering," or any description tending to convey
259 the impression that she or he is a landscape architect unless
260 she or he is registered as provided in this part.

261 Section 12. Subsection (18) of section 489.103, Florida

578-02159-11

2011396c1

262 Statutes, is amended to read:

263 489.103 Exemptions.—This part does not apply to:

264 (18) Any one-family, two-family, or three-family residence
265 constructed or rehabilitated by Habitat for Humanity
266 International, Inc., or its local affiliates. Habitat for
267 Humanity International, Inc., or its local affiliates, must:

268 (a) Obtain all necessary building permits.

269 (b) Obtain all required building code inspections.

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

272 Section 13. Subsection (3) of section 489.105, Florida
273 Statutes, is amended to read

274 489.105 Definitions.—As used in this part:

275 (3) "Contractor" means the person who is qualified for, and
276 is shall only ~~be~~ responsible for, the project contracted for and
277 means, except as exempted in this part, the person who, for
278 compensation, undertakes to, submits a bid to, or does himself
279 or herself or by others construct, repair, alter, remodel, add
280 to, demolish, subtract from, or improve any building or
281 structure, including related improvements to real estate, for
282 others or for resale to others; and whose job scope is
283 substantially similar to the job scope described in one of the
284 subsequent paragraphs of this subsection. For the purposes of
285 regulation under this part, "demolish" applies only to
286 demolition of steel tanks over 50 feet in height; towers over 50
287 feet in height; other structures over 50 feet in height, other
288 than buildings or residences over three stories tall; and
289 buildings or residences over three stories tall. Contractors are
290 subdivided into two divisions, Division I, consisting of those

578-02159-11

2011396c1

291 contractors defined in paragraphs (a)-(c), and Division II,
292 consisting of those contractors defined in paragraphs (d)-(r)
293 ~~(d)-(g)~~:

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

299 (b) "Building contractor" means a contractor whose services
300 are limited to construction of commercial buildings and single-
301 dwelling or multiple-dwelling residential buildings, which
302 ~~commercial or residential buildings~~ do not exceed three stories
303 in height, and accessory use structures in connection therewith
304 or a contractor whose services are limited to remodeling,
305 repair, or improvement of any size building if the services do
306 not affect the structural members of the building.

307 (c) "Residential contractor" means a contractor whose
308 services are limited to construction, remodeling, repair, or
309 improvement of one-family, two-family, or three-family
310 residences not exceeding two habitable stories above no more
311 than one uninhabitable story and accessory use structures in
312 connection therewith.

313 (d) "Sheet metal contractor" means a contractor whose
314 services are unlimited in the sheet metal trade and who has the
315 experience, knowledge, and skill necessary for the manufacture,
316 fabrication, assembling, handling, erection, installation,
317 dismantling, conditioning, adjustment, insulation, alteration,
318 repair, servicing, or design, if ~~when~~ not prohibited by law, of
319 ferrous or nonferrous metal work of U.S. No. 10 gauge or its

578-02159-11

2011396c1

320 equivalent or lighter gauge and of other materials, including,
321 but not limited to, fiberglass, used in lieu thereof and of air-
322 handling systems, including the setting of air-handling
323 equipment and reinforcement of same, the balancing of air-
324 handling systems, and any duct cleaning and equipment sanitizing
325 that ~~which~~ requires at least a partial disassembling of the
326 system.

327 (e) "Roofing contractor" means a contractor whose services
328 are unlimited in the roofing trade and who has the experience,
329 knowledge, and skill to install, maintain, repair, alter,
330 extend, or design, if ~~when~~ not prohibited by law, and use
331 materials and items used in the installation, maintenance,
332 extension, and alteration of all kinds of roofing,
333 waterproofing, and coating, except when coating is not
334 represented to protect, repair, waterproof, stop leaks, or
335 extend the life of the roof. The scope of work of a roofing
336 contractor also includes required roof-deck attachments and any
337 repair or replacement of wood roof sheathing or fascia as needed
338 during roof repair or replacement.

339 (f) "Class A air-conditioning contractor" means a
340 contractor whose services are unlimited in the execution of
341 contracts requiring the experience, knowledge, and skill to
342 install, maintain, repair, fabricate, alter, extend, or design,
343 if ~~when~~ not prohibited by law, central air-conditioning,
344 refrigeration, heating, and ventilating systems, including duct
345 work in connection with a complete system if ~~only to the extent~~
346 such duct work is performed by the contractor as ~~is~~ necessary to
347 ~~make~~ complete an air-distribution system, boiler and unfired
348 pressure vessel systems, and all appurtenances, apparatus, or

578-02159-11

2011396c1

349 equipment used in connection therewith, and any duct cleaning
350 and equipment sanitizing that ~~which~~ requires at least a partial
351 disassembling of the system; to install, maintain, repair,
352 fabricate, alter, extend, or design, if ~~when~~ not prohibited by
353 law, piping, insulation of pipes, vessels and ducts, pressure
354 and process piping, and pneumatic control piping; to replace,
355 disconnect, or reconnect power wiring on the load side of the
356 dedicated existing electrical disconnect switch; to install,
357 disconnect, and reconnect low voltage heating, ventilating, and
358 air-conditioning control wiring; and to install a condensate
359 drain from an air-conditioning unit to an existing safe waste or
360 other approved disposal other than a direct connection to a
361 sanitary system. The scope of work for such contractor ~~shall~~
362 also includes ~~include~~ any excavation work incidental thereto,
363 but does ~~shall~~ not include any work such as liquefied petroleum
364 or natural gas fuel lines within buildings, except for
365 disconnecting or reconnecting changeouts of liquefied petroleum
366 or natural gas appliances within buildings; potable water lines
367 or connections thereto; sanitary sewer lines; swimming pool
368 piping and filters; or electrical power wiring.

369 (g) "Class B air-conditioning contractor" means a
370 contractor whose services are limited to 25 tons of cooling and
371 500,000 Btu of heating in any one system in the execution of
372 contracts requiring the experience, knowledge, and skill to
373 install, maintain, repair, fabricate, alter, extend, or design,
374 if ~~when~~ not prohibited by law, central air-conditioning,
375 refrigeration, heating, and ventilating systems, including duct
376 work in connection with a complete system only to the extent
377 such duct work is performed by the contractor as ~~is~~ necessary to

578-02159-11

2011396c1

378 ~~make~~ complete an air-distribution system being installed under
379 this classification, and any duct cleaning and equipment
380 sanitizing that ~~which~~ requires at least a partial disassembling
381 of the system; to install, maintain, repair, fabricate, alter,
382 extend, or design, if ~~when~~ not prohibited by law, piping and
383 insulation of pipes, vessels, and ducts; to replace, disconnect,
384 or reconnect power wiring on the load side of the dedicated
385 existing electrical disconnect switch; to install, disconnect,
386 and reconnect low voltage heating, ventilating, and air-
387 conditioning control wiring; and to install a condensate drain
388 from an air-conditioning unit to an existing safe waste or other
389 approved disposal other than a direct connection to a sanitary
390 system. The scope of work for such contractor ~~shall~~ also
391 includes ~~include~~ any excavation work incidental thereto, but
392 does ~~shall~~ not include any work such as liquefied petroleum or
393 natural gas fuel lines within buildings, except for
394 disconnecting or reconnecting changeouts of liquefied petroleum
395 or natural gas appliances within buildings; potable water lines
396 or connections thereto; sanitary sewer lines; swimming pool
397 piping and filters; or electrical power wiring.

398 (h) "Class C air-conditioning contractor" means a
399 contractor whose business is limited to the servicing of air-
400 conditioning, heating, or refrigeration systems, including any
401 duct cleaning and equipment sanitizing that ~~which~~ requires at
402 least a partial disassembling of the system, and whose
403 certification or registration, issued pursuant to this part, was
404 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~
405 ~~previously~~ registered or certified as a Class C air-conditioning
406 contractor as of October 1, 1988, shall be so registered or

578-02159-11

2011396c1

407 certified after October 1, 1988. However, the board shall
408 continue to license and regulate those Class C air-conditioning
409 contractors who held Class C licenses before ~~prior to~~ October 1,
410 1988.

411 (i) "Mechanical contractor" means a contractor whose
412 services are unlimited in the execution of contracts requiring
413 the experience, knowledge, and skill to install, maintain,
414 repair, fabricate, alter, extend, or design, if ~~when~~ not
415 prohibited by law, central air-conditioning, refrigeration,
416 heating, and ventilating systems, including duct work in
417 connection with a complete system if ~~only to the extent~~ such
418 duct work is performed by the contractor as ~~is~~ necessary to ~~make~~
419 complete an air-distribution system, boiler and unfired pressure
420 vessel systems, lift station equipment and piping, and all
421 appurtenances, apparatus, or equipment used in connection
422 therewith, and any duct cleaning and equipment sanitizing that
423 ~~which~~ requires at least a partial disassembling of the system;
424 to install, maintain, repair, fabricate, alter, extend, or
425 design, if ~~when~~ not prohibited by law, piping, insulation of
426 pipes, vessels and ducts, pressure and process piping, pneumatic
427 control piping, gasoline tanks and pump installations and piping
428 for same, standpipes, air piping, vacuum line piping, oxygen
429 lines, nitrous oxide piping, ink and chemical lines, fuel
430 transmission lines, liquefied petroleum gas lines within
431 buildings, and natural gas fuel lines within buildings; to
432 replace, disconnect, or reconnect power wiring on the load side
433 of the dedicated existing electrical disconnect switch; to
434 install, disconnect, and reconnect low voltage heating,
435 ventilating, and air-conditioning control wiring; and to install

578-02159-11

2011396c1

436 a condensate drain from an air-conditioning unit to an existing
437 safe waste or other approved disposal other than a direct
438 connection to a sanitary system. The scope of work for such
439 contractor ~~shall~~ also includes ~~include~~ any excavation work
440 incidental thereto, but does ~~shall~~ not include any work such as
441 potable water lines or connections thereto, sanitary sewer
442 lines, swimming pool piping and filters, or electrical power
443 wiring.

444 (j) "Commercial pool/spa contractor" means a contractor
445 whose scope of work involves, but is not limited to, the
446 construction, repair, and servicing of any swimming pool, or hot
447 tub or spa, whether public, private, or otherwise, regardless of
448 use. The scope of work includes the installation, repair, or
449 replacement of existing equipment, any cleaning or equipment
450 sanitizing that ~~which~~ requires at least a partial disassembling,
451 excluding filter changes, and the installation of new pool/spa
452 equipment, interior finishes, the installation of package pool
453 heaters, the installation of all perimeter piping and filter
454 piping, and the construction of equipment rooms or housing for
455 pool/spa equipment, and also includes the scope of work of a
456 swimming pool/spa servicing contractor. The scope of such work
457 does not include direct connections to a sanitary sewer system
458 or to potable water lines. The installation, construction,
459 modification, or replacement of equipment permanently attached
460 to and associated with the pool or spa for the purpose of water
461 treatment or cleaning of the pool or spa requires licensure;
462 however, the usage of such equipment for the purposes of water
463 treatment or cleaning does ~~shall~~ not require licensure unless
464 the usage involves construction, modification, or replacement of

578-02159-11

2011396c1

465 such equipment. Water treatment that does not require such
466 equipment does not require a license. In addition, a license is
467 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a
468 ~~any~~ way that does not affect the structural integrity of the
469 pool or spa or its associated equipment.

470 (k) "Residential pool/spa contractor" means a contractor
471 whose scope of work involves, but is not limited to, the
472 construction, repair, and servicing of a ~~any~~ residential
473 swimming pool, or hot tub or spa, regardless of use. The scope
474 of work includes the installation, repair, or replacement of
475 existing equipment, any cleaning or equipment sanitizing that
476 ~~which~~ requires at least a partial disassembling, excluding
477 filter changes, and the installation of new pool/spa equipment,
478 interior finishes, the installation of package pool heaters, the
479 installation of all perimeter piping and filter piping, and the
480 construction of equipment rooms or housing for pool/spa
481 equipment, and also includes the scope of work of a swimming
482 pool/spa servicing contractor. The scope of such work does not
483 include direct connections to a sanitary sewer system or to
484 potable water lines. The installation, construction,
485 modification, or replacement of equipment permanently attached
486 to and associated with the pool or spa for the purpose of water
487 treatment or cleaning of the pool or spa requires licensure;
488 however, the usage of such equipment for the purposes of water
489 treatment or cleaning does ~~shall~~ not require licensure unless
490 the usage involves construction, modification, or replacement of
491 such equipment. Water treatment that does not require such
492 equipment does not require a license. In addition, a license is
493 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a

578-02159-11

2011396c1

494 ~~any~~ way that does not affect the structural integrity of the
495 pool or spa or its associated equipment.

496 (1) "Swimming pool/spa servicing contractor" means a
497 contractor whose scope of work involves, but is not limited to,
498 the repair and servicing of a ~~any~~ swimming pool, or hot tub or
499 spa, whether public or private, or otherwise, regardless of use.
500 The scope of work includes the repair or replacement of existing
501 equipment, any cleaning or equipment sanitizing that ~~which~~
502 requires at least a partial disassembling, excluding filter
503 changes, and the installation of new pool/spa equipment,
504 interior refinishing, the reinstallation or addition of pool
505 heaters, the repair or replacement of all perimeter piping and
506 filter piping, the repair of equipment rooms or housing for
507 pool/spa equipment, and the substantial or complete draining of
508 a swimming pool, or hot tub or spa, for the purpose of ~~any~~
509 repair or renovation. The scope of such work does not include
510 direct connections to a sanitary sewer system or to potable
511 water lines. The installation, construction, modification,
512 substantial or complete disassembly, or replacement of equipment
513 permanently attached to and associated with the pool or spa for
514 the purpose of water treatment or cleaning of the pool or spa
515 requires licensure; however, the usage of such equipment for the
516 purposes of water treatment or cleaning does ~~shall~~ not require
517 licensure unless the usage involves construction, modification,
518 substantial or complete disassembly, or replacement of such
519 equipment. Water treatment that does not require such equipment
520 does not require a license. In addition, a license is ~~shall~~ not
521 ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way
522 that does not affect the structural integrity of the pool or spa

578-02159-11

2011396c1

523 or its associated equipment.

524 (m) "Plumbing contractor" means a contractor whose
525 contracting business consists of the execution of contracts
526 requiring the experience, financial means, knowledge, and skill
527 to install, maintain, repair, alter, extend, or, if ~~when~~ not
528 prohibited by law, design plumbing. A plumbing contractor may
529 install, maintain, repair, alter, extend, or, if ~~when~~ not
530 prohibited by law, design the following without obtaining an ~~any~~
531 additional local regulatory license, certificate, or
532 registration: sanitary drainage or storm drainage facilities;
533 venting systems; public or private water supply systems; septic
534 tanks; drainage and supply wells; swimming pool piping;
535 irrigation systems; or solar heating water systems and all
536 appurtenances, apparatus, or equipment used in connection
537 therewith, including boilers and pressure process piping and
538 including the installation of water, natural gas, liquefied
539 petroleum gas and related venting, and storm and sanitary sewer
540 lines; and water and sewer plants and substations. The scope of
541 work of the plumbing contractor also includes the design, if
542 ~~when~~ not prohibited by law, and installation, maintenance,
543 repair, alteration, or extension of air-piping, vacuum line
544 piping, oxygen line piping, nitrous oxide piping, and all
545 related medical gas systems; fire line standpipes and fire
546 sprinklers if ~~to the extent~~ authorized by law; ink and chemical
547 lines; fuel oil and gasoline piping and tank and pump
548 installation, except bulk storage plants; and pneumatic control
549 piping systems, all in ~~such~~ a manner that complies as to comply
550 with all plans, specifications, codes, laws, and regulations
551 applicable. The scope of work of the plumbing contractor applies

578-02159-11

2011396c1

552 ~~shall apply~~ to private property and public property, including
553 ~~shall include~~ any excavation work incidental thereto, and
554 includes ~~shall include~~ the work of the specialty plumbing
555 contractor. Such contractor shall subcontract, with a qualified
556 contractor in the field concerned, all other work incidental to
557 the work but which is specified ~~herein~~ as being the work of a
558 trade other than that of a plumbing contractor. ~~Nothing in~~ This
559 definition does not ~~shall be construed to~~ limit the scope of
560 work of any specialty contractor certified pursuant to s.
561 489.113(6), and does not. ~~Nothing in this definition shall be~~
562 ~~construed to~~ require certification or registration under this
563 part of any authorized employee of a public natural gas utility
564 or of a private natural gas utility regulated by the Public
565 Service Commission when disconnecting and reconnecting water
566 lines in the servicing or replacement of an existing water
567 heater.

568 (n) "Underground utility and excavation contractor" means a
569 contractor whose services are limited to the construction,
570 installation, and repair, on public or private property, whether
571 accomplished through open excavations or through other means,
572 including, but not limited to, directional drilling, auger
573 boring, jacking and boring, trenchless technologies, wet and dry
574 taps, grouting, and slip lining, of main sanitary sewer
575 collection systems, main water distribution systems, storm sewer
576 collection systems, and the continuation of utility lines from
577 the main systems to a point of termination up to and including
578 the meter location for the individual occupancy, sewer
579 collection systems at property line on residential or single-
580 occupancy commercial properties, or on multioccupancy properties

578-02159-11

2011396c1

581 at manhole or wye lateral extended to an invert elevation as
582 engineered to accommodate future building sewers, water
583 distribution systems, or storm sewer collection systems at storm
584 sewer structures. However, an underground utility and excavation
585 contractor may install empty underground conduits in rights-of-
586 way, easements, platted rights-of-way in new site development,
587 and sleeves for parking lot crossings no smaller than 2 inches
588 in diameter if, ~~provided that~~ each conduit system installed is
589 designed by a licensed professional engineer or an authorized
590 employee of a municipality, county, or public utility and ~~that~~
591 the installation of ~~any~~ such conduit does not include
592 installation of any conductor wiring or connection to an
593 energized electrical system. An underground utility and
594 excavation contractor may ~~shall~~ not install ~~any~~ piping that is
595 an integral part of a fire protection system as defined in s.
596 633.021 beginning at the point where the piping is used
597 exclusively for such system.

598 (o) "Solar contractor" means a contractor whose services
599 consist of the installation, alteration, repair, maintenance,
600 relocation, or replacement of solar panels for potable solar
601 water heating systems, swimming pool solar heating systems, and
602 photovoltaic systems and any appurtenances, apparatus, or
603 equipment used in connection therewith, whether public, private,
604 or otherwise, regardless of use. A contractor, certified or
605 registered pursuant to ~~the provisions of~~ this chapter, is not
606 required to become a certified or registered solar contractor or
607 to contract with a solar contractor in order to provide ~~any~~
608 services enumerated in this paragraph that are within the scope
609 of the services such contractors may render under this part.

578-02159-11

2011396c1

610 (p) "Pollutant storage systems contractor" means a
611 contractor whose services are limited to, and who has the
612 experience, knowledge, and skill to install, maintain, repair,
613 alter, extend, or design, if when not prohibited by law, and use
614 materials and items used in the installation, maintenance,
615 extension, and alteration of, pollutant storage tanks. Any
616 person installing a pollutant storage tank shall perform such
617 installation in accordance with the standards adopted pursuant
618 to s. 376.303.

619 (q) "Glass and glazing contractor" means a contractor whose
620 services are unlimited in the execution of contracts requiring
621 the experience, knowledge, and skill to install, attach,
622 maintain, repair, fabricate, alter, extend, or design, in
623 residential and commercial applications without any height
624 restrictions, all types of windows, glass, and mirrors, whether
625 fixed or movable; swinging or sliding glass doors attached to
626 existing walls, floors, columns, or other structural members of
627 the building; glass holding or supporting mullions or horizontal
628 bars; structurally anchored impact-resistant opening protection
629 attached to existing building walls, floors, columns, or other
630 structural members of the building; prefabricated glass, metal,
631 or plastic curtain walls; storefront frames or panels; shower
632 and tub enclosures; metal fascias; and caulking incidental to
633 such work and assembly.

634 (r) ~~(q)~~ "Specialty contractor" means a contractor whose
635 scope of work and responsibility is limited to a particular
636 phase of construction established in a category adopted by board
637 rule and whose scope is limited to a subset of the activities
638 described in one of the paragraphs of this subsection.

578-02159-11

2011396c1

639 Section 14. Paragraphs (b) and (c) of subsection (4) of
640 section 489.107, Florida Statutes, are amended to read:

641 489.107 Construction Industry Licensing Board.—

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

644 (b) Division II is comprised of the roofing contractor,
645 sheet metal contractor, air-conditioning contractor, mechanical
646 contractor, pool contractor, plumbing contractor, and
647 underground utility and excavation contractor members of the
648 board; one of the members appointed pursuant to paragraph
649 (2) (j); and one of the members appointed pursuant to paragraph
650 (2) (k). Division II has jurisdiction over the regulation of
651 contractors defined in s. 489.105(3) (d) - (q) ~~489.105(3) (d) - (p)~~.

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

656 Section 15. Paragraph (g) of subsection (2) of section
657 489.141, Florida Statutes, is amended to read:

658 489.141 Conditions for recovery; eligibility.—

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

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

664 Section 16. Subsection (1) of section 514.028, Florida
665 Statutes, is amended to read:

666 514.028 Advisory review board.—

667 (1) The Governor shall appoint an advisory review board

578-02159-11

2011396c1

668 which shall meet as necessary or at least quarterly, to
669 recommend agency action on variance request, rule and policy
670 development, and other technical review problems. The board
671 shall be comprised of ~~the following~~:

672 (a) A representative from the office of licensure and
673 certification of the department.

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

675 (c) Three representatives from the swimming pool
676 construction industry.

677 (d) A representative ~~Two representatives~~ from the public
678 lodging industry.

679 (e) A representative from a county or local building
680 department.

681 Section 17. Subsection (3) of section 527.06, Florida
682 Statutes, is amended to read:

683 527.06 Rules.—

684 (3) (a) Rules in substantial conformity with the published
685 standards of the National Fire Protection Association (NFPA) are
686 ~~shall be~~ deemed to be in substantial conformity with the
687 generally accepted standards of safety concerning the same
688 subject matter.

689 (b) Notwithstanding any other law, the department or other
690 state agency may not require compliance with the minimum
691 separation distances of NFPA 58 for separation between a
692 liquefied petroleum gas tank and a building, adjoining property
693 line, other liquefied petroleum gas tank, or any source of
694 ignition, except in compliance with the minimum separation
695 distances of the 2011 edition of NFPA 58. This subsection shall
696 be deemed repealed upon the last effective date of rules

578-02159-11

2011396c1

697 adopted, directly or as incorporated by reference, by the
698 department, the Florida Building Commission as part of the
699 Florida Building Code, and the Office of State Fire Marshal as
700 part of the Florida Fire Prevention Code of these minimum
701 separation distances as contained in the 2011 edition of NFPA 58
702 promulgated by the National Fire Protection Association.

703 Section 18. Subsection (11) of section 527.21, Florida
704 Statutes, is amended to read:

705 527.21 Definitions relating to Florida Propane Gas
706 Education, Safety, and Research Act.—As used in ss. 527.20-
707 527.23, the term:

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

712 Section 19. Subsections (1), (2), (3), (9), and (15) of
713 section 553.73, Florida Statutes, are amended to read:

714 553.73 Florida Building Code.—

715 (1) ~~(a)~~ The commission shall adopt, by rule ~~pursuant to ss.~~
716 ~~120.536(1) and 120.54,~~ the Florida Building Code and a Florida
717 supplement to the International Code Council's set of codes
718 which contains or incorporates ~~shall contain or incorporate~~ by
719 reference all laws and rules that ~~which~~ pertain to and govern
720 the design, construction, erection, alteration, modification,
721 repair, and demolition of public and private buildings,
722 structures, and facilities and enforcement of such laws and
723 rules, except as otherwise provided in this section.

724 ~~(a)~~ ~~(b)~~ The technical portions of the Florida Accessibility
725 Code for Building Construction shall be contained ~~in their~~

578-02159-11

2011396c1

726 ~~entirety~~ in the Florida Building Code supplement to the
727 International Accessibility Code. The civil rights portions and
728 the technical portions of the accessibility laws of this state
729 shall remain as currently provided by law. Any revision or
730 amendments to the Florida Accessibility Code for Building
731 Construction pursuant to part II shall be placed in the next
732 edition of the supplement ~~considered adopted by the commission~~
733 ~~as part of the Florida Building Code~~. Neither the commission nor
734 any local government shall revise or amend any standard of the
735 Florida Accessibility Code for Building Construction except as
736 provided for in part II.

737 (b) ~~(e)~~ The Florida Fire Prevention Code and the Life Safety
738 Code shall be referenced in the Florida Building Code, but shall
739 be adopted, modified, revised, or amended, interpreted, and
740 maintained by the Department of Financial Services by rule
741 ~~adopted pursuant to ss. 120.536(1) and 120.54~~. The Florida
742 Building Commission may not adopt a fire prevention or
743 lifesafety code, and nothing in the Florida Building Code shall
744 affect the statutory powers, duties, and responsibilities of any
745 fire official or the Department of Financial Services.

746 (c) ~~(d)~~ Conflicting requirements between the Florida
747 Building Code and the Florida Fire Prevention Code and Life
748 Safety Code ~~of the state~~ established pursuant to ss. 633.022 and
749 633.025 shall be resolved by agreement between the commission
750 and the State Fire Marshal in favor of the requirement that
751 offers the greatest degree of lifesafety or alternatives that
752 ~~would~~ provide an equivalent degree of lifesafety and an
753 equivalent method of construction. If the commission and State
754 Fire Marshal are unable to agree on a resolution, the question

578-02159-11

2011396c1

755 shall be referred to a mediator, mutually agreeable to both
756 parties, to resolve the conflict in favor of the provision that
757 offers the greatest lifesafety, or alternatives that ~~would~~
758 provide an equivalent degree of lifesafety and an equivalent
759 method of construction.

760 (d) ~~(e)~~ Subject to the provisions of this act,
761 responsibility for enforcement, interpretation, and regulation
762 of the Florida Building Code shall be vested in a specified
763 local board or agency, and the terms ~~words~~ "local government"
764 and "local governing body" as used in this part shall be
765 construed to refer exclusively to such local board or agency.

766 (2) The Florida Building Code and supplement must ~~shall~~
767 contain provisions or requirements for public and private
768 buildings, structures, and facilities relative to structural,
769 mechanical, electrical, plumbing, energy, and gas systems,
770 existing buildings, historical buildings, manufactured
771 buildings, elevators, coastal construction, lodging facilities,
772 food sales and food service facilities, health care facilities,
773 including assisted living facilities, adult day care facilities,
774 hospice residential and inpatient facilities and units, and
775 facilities for the control of radiation hazards, public or
776 private educational facilities, swimming pools, and correctional
777 facilities and enforcement of and compliance with such
778 provisions or requirements. Further, the Florida Building Code
779 and supplement must provide for uniform implementation of ss.
780 515.25, 515.27, and 515.29 by including standards and criteria
781 for residential swimming pool barriers, pool covers, latching
782 devices, door and window exit alarms, and other equipment
783 required therein, which are consistent with the intent of s.

578-02159-11

2011396c1

784 515.23. Technical provisions ~~to be~~ contained within the Florida
785 Building Code are restricted to requirements related to the
786 types of materials used and construction methods and standards
787 employed in order to meet criteria specified in the ~~Florida~~
788 ~~Building~~ code. Provisions relating to the personnel, supervision
789 or training of personnel, or any other professional
790 qualification requirements relating to contractors or their
791 workforce may not be included within the Florida Building Code,
792 and subsections (4), (6), (7), (8), and (9) are not to be
793 construed to allow the inclusion of such provisions within the
794 ~~Florida Building~~ code by amendment. This restriction applies to
795 both initial development and amendment of the Florida Building
796 Code and supplement.

797 (3) The commission shall use the International Codes
798 published by the International Code Council, the National
799 Electric Code (NFPA 70), or other nationally adopted model codes
800 and standards needed to supplant or apply the base code in
801 Florida ~~select from available national or international model~~
802 ~~building codes, or other available building codes and standards~~
803 ~~currently recognized by the laws of this state,~~ to form the
804 foundation for building code standards and the Florida Building
805 Code and supplement. ~~The commission may modify the selected~~
806 ~~model codes and standards as needed to accommodate the specific~~
807 ~~needs of this state. Standards or criteria referenced by the~~
808 ~~selected model codes shall be similarly incorporated by~~
809 ~~reference. If a referenced standard or criterion requires~~
810 ~~amplification or modification to be appropriate for use in this~~
811 ~~state, only the amplification or modification shall be~~
812 ~~specifically set forth in the Florida Building Code. The Florida~~

578-02159-11

2011396c1

813 Building Commission may approve technical amendments to the
814 code, subject to ~~the requirements of~~ subsections (8) and (9),
815 after the amendments have been subject to the following
816 conditions:

817 (a) The proposed amendment has been published on the
818 commission's website for a minimum of 45 days and all the
819 associated documentation has been made available to any
820 interested party before any consideration by a ~~any~~ technical
821 advisory committee;

822 (b) In order for a technical advisory committee to make a
823 favorable recommendation to the commission, the proposal must
824 receive a three-fourths vote of the members present at the
825 technical advisory committee meeting and at least half of the
826 regular members must be present in order to conduct a meeting;

827 (c) After technical advisory committee consideration and a
828 recommendation for approval of any proposed amendment, the
829 proposal must be published on the commission's website for at
830 least ~~not less than~~ 45 days before ~~any~~ consideration by the
831 commission; and

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

835

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

841 (9) (a) The commission may approve technical amendments to

578-02159-11

2011396c1

842 the Florida Building Code once each year for statewide or
843 regional application upon a finding that the amendment:

844 1. Is needed in order to accommodate the specific needs of
845 this state.

846 2. Has a reasonable and substantial connection with the
847 health, safety, and welfare of the general public.

848 3. Strengthens or improves the Florida Building Code, or in
849 the case of innovation or new technology, will provide
850 equivalent or better products or methods or systems of
851 construction.

852 4. Does not discriminate against materials, products,
853 methods, or systems of construction of demonstrated
854 capabilities.

855 5. Does not degrade the effectiveness of the Florida
856 Building Code.

857
858 ~~Furthermore,~~ The Florida Building Commission may also approve
859 technical amendments to the code once every 3 years in order
860 ~~each year~~ to incorporate into the Florida Building Code its own
861 interpretations of the code which are embodied in its opinions,
862 final orders, declaratory statements, and interpretations of
863 hearing officer panels under s. 553.775(3)(c), but ~~shall do so~~
864 only to the extent that the incorporation of interpretations is
865 needed to modify the foundation codes to accommodate the
866 specific needs of this state. Amendments approved under this
867 paragraph shall be adopted by rule ~~pursuant to ss. 120.536(1)~~
868 ~~and 120.54,~~ after the amendments have been subjected to ~~the~~
869 ~~provisions of~~ subsection (3).

870 (b) A proposed amendment must ~~shall~~ include a fiscal impact

578-02159-11

2011396c1

871 statement that ~~which~~ documents the costs and benefits of the
872 proposed amendment. Criteria for the fiscal impact statement
873 shall be established by rule by the commission and ~~shall~~ include
874 the impact to local government relative to enforcement, the
875 impact to property and building owners, and the impact as well
876 ~~as~~ to industry, relative to the cost of compliance. A proposed
877 amendment to the base code must also include specific
878 justifications for why this state is different from other areas
879 that have adopted the base code and why the proposed amendment
880 applies to this state and no other area or region where the base
881 code has been adopted.

882 (c) The commission may not approve a ~~any~~ proposed amendment
883 that does not accurately and completely address all requirements
884 for amendment which are set forth in this section. The
885 commission shall require all proposed amendments and information
886 submitted with proposed amendments to be reviewed by commission
887 staff prior to consideration by any technical advisory
888 committee. These reviews shall be for sufficiency only and are
889 not intended to be qualitative in nature. Staff members shall
890 reject any proposed amendment that fails to include a fiscal
891 impact statement. Proposed amendments rejected by members of the
892 staff may not be considered by the commission or any technical
893 advisory committee.

894 (d) Provisions of the Florida Building Code, including
895 those contained in referenced standards and criteria, relating
896 to wind resistance or the prevention of water intrusion may not
897 be amended pursuant to this subsection to diminish those
898 construction requirements; however, the commission may, subject
899 to conditions in this subsection, amend the provisions to

578-02159-11

2011396c1

900 enhance ~~these~~ construction requirements.

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

906 Section 20. Paragraph (v) of subsection (1) of section
907 553.74, Florida Statutes, is amended to read:

908 553.74 Florida Building Commission.—

909 (1) The Florida Building Commission is created and shall be
910 located within the Department of Community Affairs for
911 administrative purposes. Members shall be appointed by the
912 Governor subject to confirmation by the Senate. The commission
913 shall be composed of 25 members, consisting of the following:

914 (v) One member who is a representative of the green
915 building industry and who is a third-party commission agent, a
916 Florida board member of the United States Green Building Council
917 or Green Building Initiative, a professional who is accredited
918 under the International Green Construction Code (IGCC), or a
919 professional who is accredited under Leadership in Energy and
920 Environmental Design (LEED) ~~LEED-accredited professional.~~

921
922 Any person serving on the commission under paragraph (c) or
923 paragraph (h) on October 1, 2003, and who has served less than
924 two full terms is eligible for reappointment to the commission
925 regardless of whether he or she meets the new qualification.

926 Section 21. Subsection (5) of section 553.842, Florida
927 Statutes, is amended to read:

928 553.842 Product evaluation and approval.—

578-02159-11

2011396c1

929 (5) Statewide approval of products, methods, or systems of
930 construction may be achieved by one of the following methods.
931 One of these methods must be used by the commission to approve
932 the following categories of products: panel walls, exterior
933 doors, roofing, skylights, windows, shutters, and structural
934 components as established by the commission by rule. Products
935 advertised, sold, offered, provided, distributed, or marketed as
936 hurricane, windstorm, or impact protection from wind-borne
937 debris during a hurricane or windstorm must be approved in
938 accordance with s. 553.842 or s. 553.8425.

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

- 947 1. A certification mark or listing of an approved
948 certification agency, which may be used only for products for
949 which the code designates standardized testing;
- 950 2. A test report from an approved testing laboratory;
- 951 3. A product evaluation report based upon testing or
952 comparative or rational analysis, or a combination thereof, from
953 an approved product evaluation entity; or
- 954 4. A product evaluation report based upon testing or
955 comparative or rational analysis, or a combination thereof,
956 developed and signed and sealed by a professional engineer or
957 architect, licensed in this state.

578-02159-11

2011396c1

958

959 A product evaluation report or a certification mark or listing
960 of an approved certification agency which demonstrates that the
961 product or method or system of construction complies with the
962 Florida Building Code for the purpose intended is ~~shall be~~
963 equivalent to a test report and test procedure ~~as~~ referenced in
964 the Florida Building Code. An application for state approval of
965 a product under subparagraph 1. must be approved by the
966 department after the commission staff or a designee verifies
967 that the application and related documentation are complete.
968 This verification must be completed within 10 business days
969 after receipt of the application. Upon approval by the
970 department, the product shall be immediately added to the list
971 of state-approved products maintained under subsection (13).
972 Approvals by the department shall be reviewed and ratified by
973 the commission's program oversight committee except for a
974 showing of good cause that a review by the full commission is
975 necessary. The commission shall adopt rules providing means to
976 cure deficiencies identified within submittals for products
977 approved under this paragraph.

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

982 1. A product evaluation report based upon testing or
983 comparative or rational analysis, or a combination thereof, from
984 an approved product evaluation entity indicating that the
985 product or method or system of construction was ~~evaluated to be~~
986 in compliance with the intent of the Florida Building Code and

578-02159-11

2011396c1

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

990 2. A product evaluation report based upon testing or
991 comparative or rational analysis, or a combination thereof,
992 developed and signed and sealed by a professional engineer or
993 architect, licensed in this state, who certifies that the
994 product or method or system of construction is, for the purpose
995 intended, at least equivalent to that required by the Florida
996 Building Code.

997 Section 22. Subsections (3), (4), and (5) of section
998 553.909, Florida Statutes, are amended to read:

999 553.909 Setting requirements for appliances; exceptions.—

1000 (3) Commercial or residential swimming ~~pool pumps or water~~
1001 heaters manufactured on or after July 1, 2011, for installation
1002 in this state must shall comply with the requirements of the
1003 Florida Energy Efficiency Code for Building Construction ~~this~~
1004 ~~subsection.~~

1005 ~~(a) Natural gas pool heaters shall not be equipped with~~
1006 ~~constantly burning pilots.~~

1007 ~~(b) Heat pump pool heaters shall have a coefficient of~~
1008 ~~performance at low temperature of not less than 4.0.~~

1009 ~~(c) The thermal efficiency of gas-fired pool heaters and~~
1010 ~~oil-fired pool heaters shall not be less than 78 percent.~~

1011 ~~(d) All pool heaters shall have a readily accessible on-off~~
1012 ~~switch that is mounted outside the heater and that allows~~
1013 ~~shutting off the heater without adjusting the thermostat~~
1014 ~~setting.~~

1015 (4) ~~(a)~~ Residential swimming pool filtration pumps and pump

578-02159-11

2011396c1

1016 motors manufactured and sold on or after July 1, 2011, for
1017 installation in this state must comply with the requirements of
1018 the Florida Energy Efficiency Code for Building Construction ~~in~~
1019 ~~this subsection.~~

1020 ~~(b) Residential filtration pool pump motors shall not be~~
1021 ~~split-phase, shaded-pole, or capacitor start-induction run~~
1022 ~~types.~~

1023 ~~(c) Residential filtration pool pumps and pool pump motors~~
1024 ~~with a total horsepower of 1 HP or more shall have the~~
1025 ~~capability of operating at two or more speeds with a low speed~~
1026 ~~having a rotation rate that is no more than one-half of the~~
1027 ~~motor's maximum rotation rate.~~

1028 ~~(d) Residential filtration pool pump motor controls shall~~
1029 ~~have the capability of operating the pool pump at a minimum of~~
1030 ~~two speeds. The default circulation speed shall be the~~
1031 ~~residential filtration speed, with a higher speed override~~
1032 ~~capability being for a temporary period not to exceed one normal~~
1033 ~~cycle or 24 hours, whichever is less; except that circulation~~
1034 ~~speed for solar pool heating systems shall be permitted to run~~
1035 ~~at higher speeds during periods of usable solar heat gain.~~

1036 (5) Portable electric spas manufactured and sold on or
1037 after July 1, 2011, for installation in this state must comply
1038 with the requirements of the Florida Energy Efficiency Code for
1039 Building Construction ~~spa standby power shall not be greater~~
1040 ~~than $5(V/3)$ watts where V = the total volume, in gallons, when~~
1041 ~~spas are measured in accordance with the spa industry test~~
1042 ~~protocol.~~

1043 Section 23. Paragraph (a) of subsection (2) of section
1044 627.711, Florida Statutes, is amended to read:

578-02159-11

2011396c1

1045 627.711 Notice of premium discounts for hurricane loss
1046 mitigation; uniform mitigation verification inspection form.—

1047 (2) (a) The Financial Services Commission shall develop by
1048 rule a uniform mitigation verification inspection form that
1049 shall be used by all insurers when submitted by policyholders
1050 for the purpose of factoring discounts for wind insurance. In
1051 developing the form, the commission shall seek input from
1052 insurance, construction, and building code representatives.
1053 Further, the commission shall provide guidance as to the length
1054 of time the inspection results are valid. An insurer shall
1055 accept as valid a uniform mitigation verification form signed by
1056 the following authorized mitigation inspectors:

1057 1. A home inspector licensed under s. 468.8314 who has
1058 completed at least 3 hours of hurricane mitigation training
1059 approved by the Construction Industry Licensing Board which
1060 includes hurricane mitigation techniques and compliance with the
1061 uniform mitigation verification form and completion of a
1062 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~
1063 ~~468.8314 must complete at least 2 hours of continuing education,~~
1064 ~~as part of the existing licensure renewal requirements each~~
1065 ~~year, related to mitigation inspection and the uniform~~
1066 ~~mitigation form;~~

1067 2. A building code inspector certified under s. 468.607;

1068 3. A general, building, or residential contractor licensed
1069 under s. 489.111;

1070 4. A professional engineer licensed under s. 471.015;

1071 5. A professional architect licensed under s. 481.213; or

1072 6. Any other individual or entity recognized by the insurer
1073 as possessing the necessary qualifications to properly complete

578-02159-11

2011396c1

1074 a uniform mitigation verification form.

1075 Section 24. This act shall take effect July 1, 2011.