

**By** the Committees on Regulated Industries; and Community Affairs; and Senator Bennett

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

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30           qualifies for licensure on or before a specified date;  
31           amending s. 468.841, F.S.; adding licensed home  
32           inspectors to those who are exempt from complying with  
33           provisions related to mold assessment; amending s.  
34           481.329, F.S.; providing that part II of ch. 481,  
35           F.S., does not preclude any person who engages in the  
36           business of landscape design from submitting such  
37           plans to governmental agencies for approval; amending  
38           s. 489.103, F.S.; clarifying an exemption from  
39           construction contracting regulation relating to  
40           Habitat for Humanity; amending s. 489.105, F.S.;

41           adding the term "glass and glazing contractors" to the  
42           definition of the term "contractor"; amending ss.  
43           489.107 and 489.141, F.S.; conforming cross-  
44           references; amending s. 514.028, F.S.; revising the  
45           composition of the advisory review board relating to  
46           public swimming pools and bathing facilities; amending  
47           s. 527.06, F.S.; prohibiting the Department of  
48           Agriculture and Consumer Services and other state  
49           agencies from requiring compliance with certain  
50           national standards for liquefied petroleum gas tanks  
51           unless the department or agencies require compliance  
52           with a specified edition of the national standards;  
53           providing for repeal under certain circumstances;  
54           amending s. 527.21, F.S.; revising the term "propane"  
55           for purposes of the Florida Propane Gas Education,  
56           Safety, and Research Act, to incorporate changes to  
57           certain national standards in a reference thereto;  
58           amending s. 553.502, F.S.; revising intent with

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59        respect to the Florida Americans with Disabilities  
60        Act; amending s. 553.503, F.S.; incorporating the  
61        Americans with Disabilities Act Standards for  
62        Accessible Design into state law by reference and  
63        directing that they be adopted by rule into the  
64        Florida Accessibility Code for Building Construction;  
65        amending s. 553.504, F.S.; revising exceptions to  
66        incorporate the standards; amending s. 553.5041, F.S.;  
67        revising provisions relating to parking spaces for  
68        persons who have disabilities to incorporate the  
69        standards; amending ss. 553.505 and 553.506, F.S.;  
70        conforming provisions to changes made by the act;  
71        amending s. 553.507, F.S.; providing for the  
72        applicability of the act; amending s. 553.509, F.S.;  
73        revising provisions relating to vertical accessibility  
74        to incorporate the standards; providing that buildings  
75        and facilities in this state do not have to comply  
76        with the changes provided by this act until the  
77        Florida Accessibility Code for Building Construction  
78        is updated; amending s. 553.73, F.S.; revising  
79        requirements relating to the Florida Building Code;  
80        providing for a supplement to the code; specifying  
81        national codes to form the foundation for state  
82        building standards and codes; revising how often the  
83        Florida Building Commission may approve technical  
84        amendments to the code; requiring proposed amendments  
85        to base codes to provide justifications; revising  
86        requirements relating to the installation of  
87        mechanical equipment on a roof; amending s. 553.74,

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88 F.S.; revising requirements for selecting a member of  
89 the Florida Building Commission; amending s. 553.842,  
90 F.S.; providing for the approval of certain windstorm  
91 products; providing a cause of action against any  
92 person who advertises, sells, offers, provides,  
93 distributes, or markets certain products without  
94 approval; amending s. 553.909, F.S.; revising the  
95 requirements for certain pool-related equipment;  
96 amending s. 627.711, F.S.; revising requirements  
97 relating to home inspectors conducting hurricane  
98 mitigation inspections; providing an effective date.

99

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

101

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

104 120.80 Exceptions and special requirements; agencies.—

105 (16) FLORIDA BUILDING COMMISSION.—

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

109 Section 2. Paragraph (a) of subsection (11) of section  
110 161.053, Florida Statutes, is amended to read:

111 161.053 Coastal construction and excavation; regulation on  
112 county basis.—

113 (11) (a) The coastal construction control requirements  
114 defined in subsection (1) and the requirements of the erosion  
115 projections in subsection (5) do not apply to any modification,  
116 maintenance, or repair of any existing structure within the

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117 limits of the existing foundation which does not require,  
118 involve, or include any additions to, or repair or modification  
119 of, the existing foundation of that structure. Specifically  
120 excluded from this exemption are seawalls or other rigid coastal  
121 or shore protection structures and any additions or enclosures  
122 added, constructed, or installed below the first dwelling floor  
123 or lowest deck of the existing structure. The Florida Building  
124 Commission may not adopt any rule having the effect of limiting  
125 any exceptions or exemptions contained within this paragraph.

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

128 255.252 Findings and intent.—

129 (3) In order for ~~that such~~ energy-efficiency and  
130 sustainable materials considerations to become a function of  
131 building design and a model for future application in the  
132 private sector, it is ~~shall be~~ the policy of the state that  
133 buildings constructed and financed by the state be designed and  
134 constructed to comply with a sustainable building rating ~~the~~  
135 ~~United States Green Building Council (USGBC) Leadership in~~  
136 ~~Energy and Environmental Design (LEED) rating system, the Green~~  
137 ~~Building Initiative's Green Globes rating system, the Florida~~  
138 ~~Green Building Coalition standards, or a nationally recognized,~~  
139 ~~high-performance green building rating system as approved by the~~  
140 ~~department.~~ It is further the policy of the state, if ~~when~~  
141 economically feasible, to retrofit existing state-owned  
142 buildings in a manner that minimizes ~~which will minimize~~ the  
143 consumption of energy used in the operation and maintenance of  
144 such buildings.

145 (4) In addition to designing and constructing new buildings

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146 to be energy-efficient, it is ~~shall be~~ the policy of the state  
147 to operate and maintain state facilities in a manner that  
148 minimizes ~~which will minimize~~ energy consumption and maximizes  
149 ~~maximize~~ building sustainability, and to operate as well as  
150 ~~ensure that~~ facilities leased by the state ~~are operated~~ so as to  
151 minimize energy use. It is further the policy of the state that  
152 the renovation of existing state facilities be in accordance  
153 with a sustainable building rating ~~the United States Green~~  
154 ~~Building Council (USGBC) Leadership in Energy and Environmental~~  
155 ~~Design (LEED) rating system, the Green Building Initiative's~~  
156 ~~Green Globes rating system, the Florida Green Building Coalition~~  
157 ~~standards, or a nationally recognized, high-performance green~~  
158 ~~building rating system as approved by the department.~~ State  
159 agencies are encouraged to consider shared savings financing of  
160 ~~such~~ energy-efficiency and conservation projects, using  
161 contracts that ~~which~~ split the resulting savings for a specified  
162 period of time between the state agency and the private firm or  
163 cogeneration contracts and that ~~which~~ otherwise permit the state  
164 to lower its net energy costs. Such energy contracts may be  
165 funded from the operating budget.

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

168 255.253 Definitions; ss. 255.251-255.258.—

169 (7) "Sustainable building rating" means a rating  
170 established by the United States Green Building Council (USGBC)  
171 Leadership in Energy and Environmental Design (LEED) rating  
172 system, the International Green Construction Code (IGCC), the  
173 ~~Green Building Initiative's Green Globes rating system, the~~  
174 ~~Florida Green Building Coalition standards, or a nationally~~

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175 recognized, high-performance green building rating system as  
176 approved by the department.

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

179 255.257 Energy management; buildings occupied by state  
180 agencies.—

181 (4) ADOPTION OF STANDARDS.—

182 (a) All state agencies shall adopt a sustainable building  
183 rating system ~~the United States Green Building Council (USGBC)~~  
184 ~~Leadership in Energy and Environmental Design (LEED) rating~~  
185 ~~system, the Green Building Initiative's Green Globes rating~~  
186 ~~system, the Florida Green Building Coalition standards, or a~~  
187 ~~nationally recognized, high-performance green building rating~~  
188 ~~system as approved by the department~~ for all new buildings and  
189 renovations to existing buildings.

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

195 (c) All state agencies shall develop energy conservation  
196 measures and guidelines for new and existing office space where  
197 state agencies occupy more than 5,000 square feet. These  
198 conservation measures shall focus on programs that may reduce  
199 energy consumption and, when established, provide a net  
200 reduction in occupancy costs.

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

203 255.2575 Energy-efficient and sustainable buildings.—

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204 (2) All county, municipal, school district, water  
205 management district, state university, community college, and  
206 ~~Florida~~ state court buildings shall be constructed to comply  
207 with a sustainable building rating system ~~meet the United States~~  
208 ~~Green Building Council (USGBC) Leadership in Energy and~~  
209 ~~Environmental Design (LEED) rating system, the Green Building~~  
210 ~~Initiative's Green Globes rating system, the Florida Green~~  
211 ~~Building Coalition standards, or a nationally recognized, high-~~  
212 ~~performance green building rating system as approved by the~~  
213 ~~Department of Management Services. This section applies shall~~  
214 ~~apply~~ to all county, municipal, school district, water  
215 management district, state university, community college, and  
216 ~~Florida~~ state court buildings the architectural plans of which  
217 are commenced after July 1, 2008.

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

220 468.8316 Continuing education.—

221 (1) The department may not renew a license until the  
222 licensee submits proof satisfactory to the department that  
223 during the 2 years before ~~prior to his or her~~ application for  
224 renewal the licensee ~~has~~ completed at least 14 hours of  
225 continuing education. Of the 14 hours, at least 2 hours must be  
226 in hurricane mitigation training that includes hurricane  
227 mitigation techniques and compliance with the uniform mitigation  
228 verification inspection form developed under s. 627.711(2). The  
229 department shall adopt rules establishing criteria for approving  
230 continuing education providers and courses ~~course content shall~~  
231 ~~be approved by the department by rule.~~

232 Section 8. Paragraph (f) of subsection (1) and subsection



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233 (3) of section 468.8319, Florida Statutes, are amended to read  
234 468.8319 Prohibitions; penalties.—

235 (1) A person may not:

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

239 ~~1. a home warranty company that is affiliated with or~~  
240 ~~retains a home inspector to perform repairs pursuant to a claim~~  
241 ~~made under a home warranty contract.~~

242 ~~2. A certified contractor who is classified in s.~~  
243 ~~489.105(3) as a Division I contractor. However, the department~~  
244 ~~may adopt rules requiring that, if such contractor performs the~~  
245 ~~home inspection and offers to perform the repairs, the contract~~  
246 ~~for repairs provided to the homeowner discloses that he or she~~  
247 ~~has the right to request competitive bids.~~

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

251 Section 9. Paragraph (b) of subsection (1) of section  
252 468.8323, Florida Statutes, is amended to read:

253 468.8323 Home inspection report.—Upon completion of each  
254 home inspection for compensation, the home inspector shall  
255 provide a written report prepared for the client.

256 (1) The home inspector shall report:

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

260 Section 10. Section 468.8324, Florida Statutes, is amended  
261 to read:

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262 468.8324 Grandfather clause.—

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

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

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

273 (c) Possesses a Division I contractor license under part I  
274 of chapter 489, a Division II certified air-conditioning  
275 contractor license under part I of chapter 489, and an  
276 electrical contractor license under part II of chapter 489.

277 ~~(1) A person who performs home inspection services as~~  
278 ~~defined in this part may qualify for licensure by the department~~  
279 ~~as a home inspector if the person submits an application to the~~  
280 ~~department postmarked on or before March 1, 2011, which shows~~  
281 ~~that the applicant:~~

282 ~~(a) Is certified as a home inspector by a state or national~~  
283 ~~association that requires, for such certification, successful~~  
284 ~~completion of a proctored examination on home inspection~~  
285 ~~services and completes at least 14 hours of verifiable education~~  
286 ~~on such services; or~~

287 ~~(b) Has at least 3 years of experience as a home inspector~~  
288 ~~at the time of application and has completed 14 hours of~~  
289 ~~verifiable education on home inspection services. To establish~~  
290 ~~the 3 years of experience, an applicant must submit at least 120~~

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291 ~~home inspection reports prepared by the applicant.~~

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

296 ~~(2)~~(3) An applicant may not qualify for licensure under  
297 this section if he or she has had a home inspector license or a  
298 license in any related field revoked at any time or suspended  
299 within the previous 5 years or has been assessed a fine that  
300 exceeds \$500 within the previous 5 years. For purposes of this  
301 subsection, a license in a related field includes, but is not  
302 limited to, licensure in real estate, construction, mold-related  
303 services, or building code administration or inspection.

304 ~~(3)~~(4) An applicant for licensure under this section must  
305 comply with the criminal history, good moral character, and  
306 insurance requirements of this part.

307 Section 11. Paragraph (d) of subsection (1) of section  
308 468.841, Florida Statutes, is amended to read:

309 468.841 Exemptions.—

310 (1) The following persons are not required to comply with  
311 any provisions of this part relating to mold assessment:

312 (d) Persons or business organizations acting within the  
313 scope of the respective licenses required under part XV of  
314 chapter 468, chapter 471, part I of chapter 481, chapter 482,  
315 chapter 489, or part XV of this chapter, are acting on behalf of  
316 an insurer under part VI of chapter 626, or are persons in the  
317 manufactured housing industry who are licensed under chapter  
318 320, except when any such persons or business organizations hold  
319 themselves out for hire to the public as a "certified mold

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320 assessor," "registered mold assessor," "licensed mold assessor,"  
321 "mold assessor," "professional mold assessor," or any  
322 combination thereof stating or implying licensure under this  
323 part.

324 Section 12. Subsection (5) of section 481.329, Florida  
325 Statutes, is amended to read:

326 481.329 Exceptions; exemptions from licensure.—

327 (5) Nothing in this part prohibits any person from engaging  
328 in the practice of landscape design, as defined in s.  
329 481.303(7), nor submitting such plans to governmental agencies  
330 for approval. Persons providing landscape design services shall  
331 not use the title, term, or designation "landscape architect,"  
332 "landscape architectural," "landscape architecture," "L.A.,"  
333 "landscape engineering," or any description tending to convey  
334 the impression that she or he is a landscape architect unless  
335 she or he is registered as provided in this part.

336 Section 13. Subsection (18) of section 489.103, Florida  
337 Statutes, is amended to read:

338 489.103 Exemptions.—This part does not apply to:

339 (18) Any one-family, two-family, or three-family residence  
340 constructed or rehabilitated by Habitat for Humanity  
341 International, Inc., or its local affiliates. Habitat for  
342 Humanity International, Inc., or its local affiliates, must:

343 (a) Obtain all necessary building permits.

344 (b) Obtain all required building code inspections.

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

347 Section 14. Subsection (3) of section 489.105, Florida  
348 Statutes, is amended to read

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349 489.105 Definitions.—As used in this part:

350 (3) "Contractor" means the person who is qualified for, and  
351 is shall only ~~be~~ responsible for, the project contracted for and  
352 means, except as exempted in this part, the person who, for  
353 compensation, undertakes to, submits a bid to, or does himself  
354 or herself or by others construct, repair, alter, remodel, add  
355 to, demolish, subtract from, or improve any building or  
356 structure, including related improvements to real estate, for  
357 others or for resale to others; and whose job scope is  
358 substantially similar to the job scope described in one of the  
359 subsequent paragraphs of this subsection. For the purposes of  
360 regulation under this part, "demolish" applies only to  
361 demolition of steel tanks over 50 feet in height; towers over 50  
362 feet in height; other structures over 50 feet in height, other  
363 than buildings or residences over three stories tall; and  
364 buildings or residences over three stories tall. Contractors are  
365 subdivided into two divisions, Division I, consisting of those  
366 contractors defined in paragraphs (a)-(c), and Division II,  
367 consisting of those contractors defined in paragraphs (d)-(r)  
368 ~~(d)-(g)~~:

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

374 (b) "Building contractor" means a contractor whose services  
375 are limited to construction of commercial buildings and single-  
376 dwelling or multiple-dwelling residential buildings, which  
377 ~~commercial or residential buildings~~ do not exceed three stories

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378 in height, and accessory use structures in connection therewith  
379 or a contractor whose services are limited to remodeling,  
380 repair, or improvement of any size building if the services do  
381 not affect the structural members of the building.

382 (c) "Residential contractor" means a contractor whose  
383 services are limited to construction, remodeling, repair, or  
384 improvement of one-family, two-family, or three-family  
385 residences not exceeding two habitable stories above no more  
386 than one uninhabitable story and accessory use structures in  
387 connection therewith.

388 (d) "Sheet metal contractor" means a contractor whose  
389 services are unlimited in the sheet metal trade and who has the  
390 experience, knowledge, and skill necessary for the manufacture,  
391 fabrication, assembling, handling, erection, installation,  
392 dismantling, conditioning, adjustment, insulation, alteration,  
393 repair, servicing, or design, if ~~when~~ not prohibited by law, of  
394 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
395 equivalent or lighter gauge and of other materials, including,  
396 but not limited to, fiberglass, used in lieu thereof and of air-  
397 handling systems, including the setting of air-handling  
398 equipment and reinforcement of same, the balancing of air-  
399 handling systems, and any duct cleaning and equipment sanitizing  
400 that ~~which~~ requires at least a partial disassembling of the  
401 system.

402 (e) "Roofing contractor" means a contractor whose services  
403 are unlimited in the roofing trade and who has the experience,  
404 knowledge, and skill to install, maintain, repair, alter,  
405 extend, or design, if ~~when~~ not prohibited by law, and use  
406 materials and items used in the installation, maintenance,

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407 extension, and alteration of all kinds of roofing,  
408 waterproofing, and coating, except when coating is not  
409 represented to protect, repair, waterproof, stop leaks, or  
410 extend the life of the roof. The scope of work of a roofing  
411 contractor also includes required roof-deck attachments and any  
412 repair or replacement of wood roof sheathing or fascia as needed  
413 during roof repair or replacement.

414 (f) "Class A air-conditioning contractor" means a  
415 contractor whose services are unlimited in the execution of  
416 contracts requiring the experience, knowledge, and skill to  
417 install, maintain, repair, fabricate, alter, extend, or design,  
418 if when not prohibited by law, central air-conditioning,  
419 refrigeration, heating, and ventilating systems, including duct  
420 work in connection with a complete system if ~~only to the extent~~  
421 such duct work is performed by the contractor as ~~is~~ necessary to  
422 ~~make~~ complete an air-distribution system, boiler and unfired  
423 pressure vessel systems, and all appurtenances, apparatus, or  
424 equipment used in connection therewith, and any duct cleaning  
425 and equipment sanitizing that ~~which~~ requires at least a partial  
426 disassembling of the system; to install, maintain, repair,  
427 fabricate, alter, extend, or design, if when not prohibited by  
428 law, piping, insulation of pipes, vessels and ducts, pressure  
429 and process piping, and pneumatic control piping; to replace,  
430 disconnect, or reconnect power wiring on the load side of the  
431 dedicated existing electrical disconnect switch; to install,  
432 disconnect, and reconnect low voltage heating, ventilating, and  
433 air-conditioning control wiring; and to install a condensate  
434 drain from an air-conditioning unit to an existing safe waste or  
435 other approved disposal other than a direct connection to a

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436 sanitary system. The scope of work for such contractor ~~shall~~  
437 also includes ~~include~~ any excavation work incidental thereto,  
438 but does ~~shall~~ not include any work such as liquefied petroleum  
439 or natural gas fuel lines within buildings, except for  
440 disconnecting or reconnecting changeouts of liquefied petroleum  
441 or natural gas appliances within buildings; potable water lines  
442 or connections thereto; sanitary sewer lines; swimming pool  
443 piping and filters; or electrical power wiring.

444 (g) "Class B air-conditioning contractor" means a  
445 contractor whose services are limited to 25 tons of cooling and  
446 500,000 Btu of heating in any one system in the execution of  
447 contracts requiring the experience, knowledge, and skill to  
448 install, maintain, repair, fabricate, alter, extend, or design,  
449 if ~~when~~ not prohibited by law, central air-conditioning,  
450 refrigeration, heating, and ventilating systems, including duct  
451 work in connection with a complete system only to the extent  
452 such duct work is performed by the contractor as ~~is~~ necessary to  
453 ~~make~~ complete an air-distribution system being installed under  
454 this classification, and any duct cleaning and equipment  
455 sanitizing that ~~which~~ requires at least a partial disassembling  
456 of the system; to install, maintain, repair, fabricate, alter,  
457 extend, or design, if ~~when~~ not prohibited by law, piping and  
458 insulation of pipes, vessels, and ducts; to replace, disconnect,  
459 or reconnect power wiring on the load side of the dedicated  
460 existing electrical disconnect switch; to install, disconnect,  
461 and reconnect low voltage heating, ventilating, and air-  
462 conditioning control wiring; and to install a condensate drain  
463 from an air-conditioning unit to an existing safe waste or other  
464 approved disposal other than a direct connection to a sanitary



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465 system. The scope of work for such contractor ~~shall~~ also  
466 includes ~~include~~ any excavation work incidental thereto, but  
467 does ~~shall~~ not include any work such as liquefied petroleum or  
468 natural gas fuel lines within buildings, except for  
469 disconnecting or reconnecting changeouts of liquefied petroleum  
470 or natural gas appliances within buildings; potable water lines  
471 or connections thereto; sanitary sewer lines; swimming pool  
472 piping and filters; or electrical power wiring.

473 (h) "Class C air-conditioning contractor" means a  
474 contractor whose business is limited to the servicing of air-  
475 conditioning, heating, or refrigeration systems, including any  
476 duct cleaning and equipment sanitizing that ~~which~~ requires at  
477 least a partial disassembling of the system, and whose  
478 certification or registration, issued pursuant to this part, was  
479 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~  
480 ~~previously~~ registered or certified as a Class C air-conditioning  
481 contractor as of October 1, 1988, shall be so registered or  
482 certified after October 1, 1988. However, the board shall  
483 continue to license and regulate those Class C air-conditioning  
484 contractors who held Class C licenses before ~~prior to~~ October 1,  
485 1988.

486 (i) "Mechanical contractor" means a contractor whose  
487 services are unlimited in the execution of contracts requiring  
488 the experience, knowledge, and skill to install, maintain,  
489 repair, fabricate, alter, extend, or design, if ~~when~~ not  
490 prohibited by law, central air-conditioning, refrigeration,  
491 heating, and ventilating systems, including duct work in  
492 connection with a complete system if ~~only to the extent~~ such  
493 duct work is performed by the contractor as ~~is~~ necessary to ~~make~~

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494 complete an air-distribution system, boiler and unfired pressure  
495 vessel systems, lift station equipment and piping, and all  
496 appurtenances, apparatus, or equipment used in connection  
497 therewith, and any duct cleaning and equipment sanitizing that  
498 ~~which~~ requires at least a partial disassembling of the system;  
499 to install, maintain, repair, fabricate, alter, extend, or  
500 design, if ~~when~~ not prohibited by law, piping, insulation of  
501 pipes, vessels and ducts, pressure and process piping, pneumatic  
502 control piping, gasoline tanks and pump installations and piping  
503 for same, standpipes, air piping, vacuum line piping, oxygen  
504 lines, nitrous oxide piping, ink and chemical lines, fuel  
505 transmission lines, liquefied petroleum gas lines within  
506 buildings, and natural gas fuel lines within buildings; to  
507 replace, disconnect, or reconnect power wiring on the load side  
508 of the dedicated existing electrical disconnect switch; to  
509 install, disconnect, and reconnect low voltage heating,  
510 ventilating, and air-conditioning control wiring; and to install  
511 a condensate drain from an air-conditioning unit to an existing  
512 safe waste or other approved disposal other than a direct  
513 connection to a sanitary system. The scope of work for such  
514 contractor ~~shall~~ also includes ~~include~~ any excavation work  
515 incidental thereto, but does ~~shall~~ not include any work such as  
516 potable water lines or connections thereto, sanitary sewer  
517 lines, swimming pool piping and filters, or electrical power  
518 wiring.

519 (j) "Commercial pool/spa contractor" means a contractor  
520 whose scope of work involves, but is not limited to, the  
521 construction, repair, and servicing of any swimming pool, or hot  
522 tub or spa, whether public, private, or otherwise, regardless of

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523 use. The scope of work includes the installation, repair, or  
524 replacement of existing equipment, any cleaning or equipment  
525 sanitizing that ~~which~~ requires at least a partial disassembling,  
526 excluding filter changes, and the installation of new pool/spa  
527 equipment, interior finishes, the installation of package pool  
528 heaters, the installation of all perimeter piping and filter  
529 piping, and the construction of equipment rooms or housing for  
530 pool/spa equipment, and also includes the scope of work of a  
531 swimming pool/spa servicing contractor. The scope of such work  
532 does not include direct connections to a sanitary sewer system  
533 or to potable water lines. The installation, construction,  
534 modification, or replacement of equipment permanently attached  
535 to and associated with the pool or spa for the purpose of water  
536 treatment or cleaning of the pool or spa requires licensure;  
537 however, the usage of such equipment for the purposes of water  
538 treatment or cleaning does ~~shall~~ not require licensure unless  
539 the usage involves construction, modification, or replacement of  
540 such equipment. Water treatment that does not require such  
541 equipment does not require a license. In addition, a license is  
542 ~~shall~~ not be required for the cleaning of the pool or spa in a  
543 ~~any~~ way that does not affect the structural integrity of the  
544 pool or spa or its associated equipment.

545 (k) "Residential pool/spa contractor" means a contractor  
546 whose scope of work involves, but is not limited to, the  
547 construction, repair, and servicing of a ~~any~~ residential  
548 swimming pool, or hot tub or spa, regardless of use. The scope  
549 of work includes the installation, repair, or replacement of  
550 existing equipment, any cleaning or equipment sanitizing that  
551 ~~which~~ requires at least a partial disassembling, excluding

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552 filter changes, and the installation of new pool/spa equipment,  
553 interior finishes, the installation of package pool heaters, the  
554 installation of all perimeter piping and filter piping, and the  
555 construction of equipment rooms or housing for pool/spa  
556 equipment, and also includes the scope of work of a swimming  
557 pool/spa servicing contractor. The scope of such work does not  
558 include direct connections to a sanitary sewer system or to  
559 potable water lines. The installation, construction,  
560 modification, or replacement of equipment permanently attached  
561 to and associated with the pool or spa for the purpose of water  
562 treatment or cleaning of the pool or spa requires licensure;  
563 however, the usage of such equipment for the purposes of water  
564 treatment or cleaning does ~~shall~~ not require licensure unless  
565 the usage involves construction, modification, or replacement of  
566 such equipment. Water treatment that does not require such  
567 equipment does not require a license. In addition, a license is  
568 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a  
569 ~~any~~ way that does not affect the structural integrity of the  
570 pool or spa or its associated equipment.

571 (1) "Swimming pool/spa servicing contractor" means a  
572 contractor whose scope of work involves, but is not limited to,  
573 the repair and servicing of a ~~any~~ swimming pool, or hot tub or  
574 spa, whether public or private, or otherwise, regardless of use.  
575 The scope of work includes the repair or replacement of existing  
576 equipment, any cleaning or equipment sanitizing that ~~which~~  
577 requires at least a partial disassembling, excluding filter  
578 changes, and the installation of new pool/spa equipment,  
579 interior refinishing, the reinstallation or addition of pool  
580 heaters, the repair or replacement of all perimeter piping and

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581 filter piping, the repair of equipment rooms or housing for  
582 pool/spa equipment, and the substantial or complete draining of  
583 a swimming pool, or hot tub or spa, for the purpose of ~~any~~  
584 repair or renovation. The scope of such work does not include  
585 direct connections to a sanitary sewer system or to potable  
586 water lines. The installation, construction, modification,  
587 substantial or complete disassembly, or replacement of equipment  
588 permanently attached to and associated with the pool or spa for  
589 the purpose of water treatment or cleaning of the pool or spa  
590 requires licensure; however, the usage of such equipment for the  
591 purposes of water treatment or cleaning does ~~shall~~ not require  
592 licensure unless the usage involves construction, modification,  
593 substantial or complete disassembly, or replacement of such  
594 equipment. Water treatment that does not require such equipment  
595 does not require a license. In addition, a license is ~~shall~~ not  
596 ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way  
597 that does not affect the structural integrity of the pool or spa  
598 or its associated equipment.

599 (m) "Plumbing contractor" means a contractor whose  
600 contracting business consists of the execution of contracts  
601 requiring the experience, financial means, knowledge, and skill  
602 to install, maintain, repair, alter, extend, or, if ~~when~~ not  
603 prohibited by law, design plumbing. A plumbing contractor may  
604 install, maintain, repair, alter, extend, or, if ~~when~~ not  
605 prohibited by law, design the following without obtaining an ~~any~~  
606 additional local regulatory license, certificate, or  
607 registration: sanitary drainage or storm drainage facilities;  
608 venting systems; public or private water supply systems; septic  
609 tanks; drainage and supply wells; swimming pool piping;

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610 irrigation systems; or solar heating water systems and all  
611 appurtenances, apparatus, or equipment used in connection  
612 therewith, including boilers and pressure process piping and  
613 including the installation of water, natural gas, liquefied  
614 petroleum gas and related venting, and storm and sanitary sewer  
615 lines; and water and sewer plants and substations. The scope of  
616 work of the plumbing contractor also includes the design, if  
617 ~~when~~ not prohibited by law, and installation, maintenance,  
618 repair, alteration, or extension of air-piping, vacuum line  
619 piping, oxygen line piping, nitrous oxide piping, and all  
620 related medical gas systems; fire line standpipes and fire  
621 sprinklers if to the extent authorized by law; ink and chemical  
622 lines; fuel oil and gasoline piping and tank and pump  
623 installation, except bulk storage plants; and pneumatic control  
624 piping systems, all in ~~such~~ a manner that complies as to comply  
625 with all plans, specifications, codes, laws, and regulations  
626 applicable. The scope of work of the plumbing contractor applies  
627 ~~shall apply~~ to private property and public property, including  
628 ~~shall include~~ any excavation work incidental thereto, and  
629 includes ~~shall include~~ the work of the specialty plumbing  
630 contractor. Such contractor shall subcontract, with a qualified  
631 contractor in the field concerned, all other work incidental to  
632 the work but which is specified ~~herein~~ as being the work of a  
633 trade other than that of a plumbing contractor. ~~Nothing in This~~  
634 definition does not ~~shall be construed to~~ limit the scope of  
635 work of any specialty contractor certified pursuant to s.  
636 489.113(6), and does not. ~~Nothing in this definition shall be~~  
637 ~~construed to~~ require certification or registration under this  
638 part of any authorized employee of a public natural gas utility

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639 or of a private natural gas utility regulated by the Public  
640 Service Commission when disconnecting and reconnecting water  
641 lines in the servicing or replacement of an existing water  
642 heater.

643 (n) "Underground utility and excavation contractor" means a  
644 contractor whose services are limited to the construction,  
645 installation, and repair, on public or private property, whether  
646 accomplished through open excavations or through other means,  
647 including, but not limited to, directional drilling, auger  
648 boring, jacking and boring, trenchless technologies, wet and dry  
649 taps, grouting, and slip lining, of main sanitary sewer  
650 collection systems, main water distribution systems, storm sewer  
651 collection systems, and the continuation of utility lines from  
652 the main systems to a point of termination up to and including  
653 the meter location for the individual occupancy, sewer  
654 collection systems at property line on residential or single-  
655 occupancy commercial properties, or on multioccupancy properties  
656 at manhole or wye lateral extended to an invert elevation as  
657 engineered to accommodate future building sewers, water  
658 distribution systems, or storm sewer collection systems at storm  
659 sewer structures. However, an underground utility and excavation  
660 contractor may install empty underground conduits in rights-of-  
661 way, easements, platted rights-of-way in new site development,  
662 and sleeves for parking lot crossings no smaller than 2 inches  
663 in diameter if, ~~provided that~~ each conduit system installed is  
664 designed by a licensed professional engineer or an authorized  
665 employee of a municipality, county, or public utility and ~~that~~  
666 the installation of any such conduit does not include  
667 installation of any conductor wiring or connection to an

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668 energized electrical system. An underground utility and  
669 excavation contractor may ~~shall~~ not install ~~any~~ piping that is  
670 an integral part of a fire protection system as defined in s.  
671 633.021 beginning at the point where the piping is used  
672 exclusively for such system.

673 (o) "Solar contractor" means a contractor whose services  
674 consist of the installation, alteration, repair, maintenance,  
675 relocation, or replacement of solar panels for potable solar  
676 water heating systems, swimming pool solar heating systems, and  
677 photovoltaic systems and any appurtenances, apparatus, or  
678 equipment used in connection therewith, whether public, private,  
679 or otherwise, regardless of use. A contractor, certified or  
680 registered pursuant to ~~the provisions of~~ this chapter, is not  
681 required to become a certified or registered solar contractor or  
682 to contract with a solar contractor in order to provide ~~any~~  
683 services enumerated in this paragraph that are within the scope  
684 of the services such contractors may render under this part.

685 (p) "Pollutant storage systems contractor" means a  
686 contractor whose services are limited to, and who has the  
687 experience, knowledge, and skill to install, maintain, repair,  
688 alter, extend, or design, if ~~when~~ not prohibited by law, and use  
689 materials and items used in the installation, maintenance,  
690 extension, and alteration of, pollutant storage tanks. Any  
691 person installing a pollutant storage tank shall perform such  
692 installation in accordance with the standards adopted pursuant  
693 to s. 376.303.

694 (q) "Glass and glazing contractor" means a contractor whose  
695 services are unlimited in the execution of contracts requiring  
696 the experience, knowledge, and skill to install, attach,



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697 maintain, repair, fabricate, alter, extend, or design, in  
698 residential and commercial applications without any height  
699 restrictions, all types of windows, glass, and mirrors, whether  
700 fixed or movable; swinging or sliding glass doors attached to  
701 existing walls, floors, columns, or other structural members of  
702 the building; glass holding or supporting mullions or horizontal  
703 bars; structurally anchored impact-resistant opening protection  
704 attached to existing building walls, floors, columns, or other  
705 structural members of the building; prefabricated glass, metal,  
706 or plastic curtain walls; storefront frames or panels; shower  
707 and tub enclosures; metal fascias; and caulking incidental to  
708 such work and assembly.

709 (r)~~(q)~~ "Specialty contractor" means a contractor whose  
710 scope of work and responsibility is limited to a particular  
711 phase of construction established in a category adopted by board  
712 rule and whose scope is limited to a subset of the activities  
713 described in one of the paragraphs of this subsection.

714 Section 15. Paragraphs (b) and (c) of subsection (4) of  
715 section 489.107, Florida Statutes, are amended to read:

716 489.107 Construction Industry Licensing Board.—

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

719 (b) Division II is comprised of the roofing contractor,  
720 sheet metal contractor, air-conditioning contractor, mechanical  
721 contractor, pool contractor, plumbing contractor, and  
722 underground utility and excavation contractor members of the  
723 board; one of the members appointed pursuant to paragraph  
724 (2) (j); and one of the members appointed pursuant to paragraph  
725 (2) (k). Division II has jurisdiction over the regulation of

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726 contractors defined in s. 489.105(3)(d)-(q) ~~489.105(3)(d)-(p)~~.

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

731 Section 16. Paragraph (g) of subsection (2) of section  
732 489.141, Florida Statutes, is amended to read:

733 489.141 Conditions for recovery; eligibility.—

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

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

739 Section 17. Subsection (1) of section 514.028, Florida  
740 Statutes, is amended to read:

741 514.028 Advisory review board.—

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

747 (a) A representative from the office of licensure and  
748 certification of the department.

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

750 (c) Three representatives from the swimming pool  
751 construction industry.

752 (d) A representative ~~Two representatives~~ from the public  
753 lodging industry.

754 (e) A representative from a county or local building

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755 department.

756 Section 18. Subsection (3) of section 527.06, Florida  
757 Statutes, is amended to read:

758 527.06 Rules.—

759 (3) (a) Rules in substantial conformity with the published  
760 standards of the National Fire Protection Association (NFPA) are  
761 ~~shall be~~ deemed to be in substantial conformity with the  
762 generally accepted standards of safety concerning the same  
763 subject matter.

764 (b) Notwithstanding any other law, the department or other  
765 state agency may not require compliance with the minimum  
766 separation distances of NFPA 58 for separation between a  
767 liquefied petroleum gas tank and a building, adjoining property  
768 line, other liquefied petroleum gas tank, or any source of  
769 ignition, except in compliance with the minimum separation  
770 distances of the 2011 edition of NFPA 58. This subsection shall  
771 be deemed repealed upon the last effective date of rules  
772 adopted, directly or as incorporated by reference, by the  
773 department, the Florida Building Commission as part of the  
774 Florida Building Code, and the Office of State Fire Marshal as  
775 part of the Florida Fire Prevention Code of these minimum  
776 separation distances as contained in the 2011 edition of NFPA 58  
777 promulgated by the National Fire Protection Association.

778 Section 19. Subsection (11) of section 527.21, Florida  
779 Statutes, is amended to read:

780 527.21 Definitions relating to Florida Propane Gas  
781 Education, Safety, and Research Act.—As used in ss. 527.20-  
782 527.23, the term:

783 (11) "Propane" includes propane, butane, mixtures, and

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784 liquefied petroleum gas as defined by ~~the~~ National Fire  
785 Protection Association (NFPA) Standard 58, For The Storage and  
786 ~~Handling of Liquefied Petroleum Gas Code Cases.~~

787 Section 20. Section 553.502, Florida Statutes, is amended  
788 to read:

789 553.502 Intent.—The purpose and intent of this part ~~ss.~~  
790 ~~553.501-553.513~~ is to incorporate into the law of this state the  
791 accessibility requirements of the Americans with Disabilities  
792 Act of 1990, as amended Pub. L. No. 101-336, 42 U.S.C. ss. 12101  
793 et seq., and to obtain and maintain United States Department of  
794 Justice certification of the Florida Accessibility Code for  
795 Building Construction as equivalent to federal standards for  
796 accessibility of buildings, structures, and facilities. All  
797 state laws, rules, standards, and codes governing facilities  
798 covered by the Americans with Disabilities Act Standards for  
799 Accessible Design guidelines shall be maintained to assure  
800 certification of the state's construction standards and codes.  
801 This part ~~Nothing in ss. 553.501-553.513~~ is not intended to  
802 expand or diminish the defenses available to a place of public  
803 accommodation or a commercial facility under the Americans with  
804 Disabilities Act and the standards ~~federal Americans with~~  
805 ~~Disabilities Act Accessibility Guidelines~~, including, but not  
806 limited to, the readily achievable standard, and the standards  
807 applicable to alterations to private buildings or facilities as  
808 defined by the standards ~~places of public accommodation.~~

809 Section 21. Section 553.503, Florida Statutes, is amended  
810 to read:

811 553.503 Adoption of federal standards ~~guidelines~~.—Subject  
812 to modifications under this part ~~the exceptions in s. 553.504,~~

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813 the federal Americans with Disabilities Act Standards for  
814 Accessible Design Accessibility Guidelines, and related  
815 regulations provided as adopted by reference in 28 C.F.R., parts  
816 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and  
817 Title II of Pub. L. No. 101-336, are hereby adopted and  
818 incorporated by reference as the law of this state and shall be  
819 incorporated into. ~~The guidelines shall establish the minimum~~  
820 ~~standards for the accessibility of buildings and facilities~~  
821 ~~built or altered within this state.~~ the 1997 Florida  
822 Accessibility Code for Building Construction and must be adopted  
823 by the Florida Building Commission in accordance with chapter  
824 120.

825 Section 22. Section 553.504, Florida Statutes, is amended  
826 to read:

827 553.504 Exceptions to applicability of the federal  
828 standards guidelines.—Notwithstanding the adoption of the  
829 Americans with Disabilities Act Standards for Accessible Design  
830 pursuant to Accessibility Guidelines in s. 553.503, all  
831 buildings, structures, and facilities in this state must shall  
832 meet the following additional requirements if such requirements  
833 ~~when they~~ provide increased accessibility:

834 (1) All new or altered public buildings and facilities,  
835 private buildings and facilities, places of public  
836 accommodation, and commercial facilities, as those terms are  
837 defined by the standards, subject to this part ss. 553.501-  
838 ~~553.513~~ which may be frequented in, lived in, or worked in by  
839 the public must shall comply with this part ss. 553.501-553.513.

840 (2) All new single-family houses, duplexes, triplexes,  
841 condominiums, and townhouses shall provide at least one

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842 bathroom, located with maximum possible privacy, where bathrooms  
843 are provided on habitable grade levels, with a door that has a  
844 29-inch clear opening. However, if only a toilet room is  
845 provided at grade level, such toilet room must ~~shall~~ have a  
846 clear opening of at least ~~not less than~~ 29 inches.

847 ~~(3) All required doors and walk-through openings in~~  
848 ~~buildings excluding single-family homes, duplexes, and triplexes~~  
849 ~~not covered by the Americans with Disabilities Act of 1990 or~~  
850 ~~the Fair Housing Act shall have at least 29 inches of clear~~  
851 ~~width except under ss. 553.501-553.513.~~

852 ~~(4) In addition to the requirements in reference 4.8.4 of~~  
853 ~~the guidelines, all landings on ramps shall be not less than 60~~  
854 ~~inches clear, and the bottom of each ramp shall have not less~~  
855 ~~than 72 inches of straight and level clearance.~~

856 ~~(5) All curb ramps shall be designed and constructed in~~  
857 ~~accordance with the following requirements:~~

858 ~~(a) Notwithstanding the requirements of reference 4.8.5.2~~  
859 ~~of the guidelines, handrails on ramps which are not continuous~~  
860 ~~shall extend not less than 18 inches beyond the sloped segment~~  
861 ~~at both the top and bottom, and shall be parallel to the floor~~  
862 ~~or ground surface.~~

863 ~~(b) Notwithstanding the requirements of references 4.3.3~~  
864 ~~and 4.8.3 of the guidelines, curb ramps that are part of a~~  
865 ~~required means of egress shall be not less than 44 inches wide.~~

866 ~~(c) Notwithstanding the requirements of reference 4.7.5 of~~  
867 ~~the guidelines, curb ramps located where pedestrians must use~~  
868 ~~them and all curb ramps which are not protected by handrails or~~  
869 ~~guardrails shall have flared sides with a slope not exceeding a~~  
870 ~~ratio of 1 to 12.~~

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871        (3)~~(6)~~ Notwithstanding the requirements in s. 404.2.9  
 872 ~~reference 4.13.11~~ of the standards ~~guidelines~~, exterior hinged  
 873 doors must ~~shall~~ be ~~so~~ designed so that such doors can be pushed  
 874 or pulled open with a force not exceeding 8.5 foot pounds.

875        ~~(7) Notwithstanding the requirements in reference 4.33.1 of~~  
 876 ~~the guidelines, all public food service establishments, all~~  
 877 ~~establishments licensed under the Beverage Law for consumption~~  
 878 ~~on the premises, and all facilities governed by reference 4.1 of~~  
 879 ~~the guidelines shall provide seating or spaces for seating in~~  
 880 ~~accordance with the following requirements:~~

881        ~~(a) For the first 100 fixed seats, accessible and usable~~  
 882 ~~spaces must be provided consistent with the following table:~~

<del>Capacity of Seating</del>	<del>Number of Required</del>
<del>In Assembly Areas</del>	<del>Wheelchair Locations</del>
<del>1 to 25.....</del>	<del>1</del>
<del>26 to 50.....</del>	<del>2</del>
<del>51 to 100.....</del>	<del>4</del>

888        ~~(b) For all remaining fixed seats, there shall be not less~~  
 889 ~~than one such accessible and usable space for each 100 fixed~~  
 890 ~~seats or fraction thereof.~~

891        ~~(8) Notwithstanding the requirements in references 4.32.1-~~  
 892 ~~4.32.4 of the guidelines, all fixed seating in public food~~  
 893 ~~service establishments, in establishments licensed under the~~  
 894 ~~Beverage Law for consumption on the premises, and in all other~~

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895 ~~facilities governed by reference 4.1 of the guidelines shall be~~  
896 ~~designed and constructed in accordance with the following~~  
897 ~~requirements:~~

898 ~~(a) All aisles adjacent to fixed seating shall provide~~  
899 ~~clear space for wheelchairs.~~

900 ~~(b) Where there are open positions along both sides of such~~  
901 ~~aisles, the aisles shall be not less than 52 inches wide.~~

902 ~~(4)(9)~~ In motels and hotels a number of rooms equaling at  
903 least 5 percent of the guest rooms minus the number of  
904 accessible rooms required by the standards ~~must~~ ~~guidelines shall~~  
905 provide the following special accessibility features:

906 (a) Grab rails in bathrooms and toilet rooms that comply  
907 with s. 604.5 ~~4.16.4~~ of the standards ~~guidelines~~.

908 (b) All beds in designed accessible guest rooms must ~~shall~~  
909 be an open-frame type that allows the ~~to permit~~ passage of lift  
910 devices.

911 (c) Water closets that comply with section 604.4 of the  
912 standards. ~~All standard water closet seats shall be at a height~~  
913 ~~of 15 inches, measured vertically from the finished floor to the~~  
914 ~~top of the seat, with a variation of plus or minus 1/2 inch. A~~  
915 ~~portable or attached raised toilet seat shall be provided in all~~  
916 ~~designated handicapped accessible rooms.~~

917  
918 All buildings, structures, or facilities licensed as a hotel,  
919 motel, or condominium pursuant to chapter 509 are ~~shall be~~  
920 subject to ~~the provisions of~~ this subsection. This subsection  
921 does not relieve ~~Nothing in this subsection shall be construed~~  
922 ~~as relieving~~ the owner of the responsibility of providing  
923 accessible rooms in conformance with ss. 224 and 806 of the



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924 standards 9.1-9.5 of the guidelines.

925 ~~(10) Notwithstanding the requirements in reference 4.29.2~~  
926 ~~of the guidelines, all detectable warning surfaces required by~~  
927 ~~the guidelines shall be governed by the requirements of American~~  
928 ~~National Standards Institute A117.1-1986.~~

929 ~~(11) Notwithstanding the requirements in references 4.31.2~~  
930 ~~and 4.31.3 of the guidelines, the installation and placement of~~  
931 ~~all public telephones shall be governed by the rules of the~~  
932 ~~Florida Public Service Commission.~~

933 (5)~~(12)~~ Notwithstanding ss. 213 and 604 of the standards  
934 ~~the requirements in references 4.1.3(11) and 4.16-4.23 of the~~  
935 ~~guidelines, required bathing rooms ~~restrooms~~ and toilet rooms in~~  
936 ~~new construction shall be designed and constructed in accordance~~  
937 ~~with the following requirements:~~

938 (a) The standard accessible toilet compartment must  
939 ~~restroom stall shall~~ contain an accessible lavatory within it,  
940 which must be at least the size of such lavatory to be not less  
941 ~~than~~ 19 inches wide by 17 inches deep, nominal size, and wall-  
942 mounted. The lavatory shall be mounted so as not to overlap the  
943 clear floor space areas required by s. 604 of the standards 4.17  
944 ~~figure 30(a) of the guidelines~~ for the standard accessible  
945 toilet compartment stall and ~~to~~ comply with s. 606 of the  
946 standards 4.19 of the guidelines. Such lavatories shall be  
947 counted as part of the required fixture count for the building.

948 (b) The accessible toilet compartments must ~~water closet~~  
949 ~~shall~~ be located in the corner, diagonal to the door.

950 ~~(c) The accessible stall door shall be self-closing.~~

951 ~~(13) All customer checkout aisles not required by the~~  
952 ~~guidelines to be handicapped accessible shall have at least 32~~

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953 ~~inches of clear passage.~~

954 ~~(14) Turnstiles shall not be used in occupancies which~~  
955 ~~serve fewer than 100 persons, but turnstiles may be used in~~  
956 ~~occupancies which serve at least 100 persons if there is an~~  
957 ~~unlocked alternate passageway on an accessible route affording~~  
958 ~~not less than 32 inches of clearance, equipped with latching~~  
959 ~~devices in accordance with the guidelines.~~

960 ~~(6)~~ (15) Barriers at common or emergency entrances and exits  
961 of business establishments conducting business with the general  
962 public that are existing, under construction, or under contract  
963 for construction which would prevent a person from using such  
964 entrances or exits must ~~shall~~ be removed.

965 Section 23. Section 553.5041, Florida Statutes, is amended  
966 to read:

967 553.5041 Parking spaces for persons who have disabilities.—

968 (1) This section is not intended to expand or diminish the  
969 defenses available to a place of public accommodation under the  
970 Americans with Disabilities Act and the federal Americans with  
971 Disabilities Act Standards for Accessible Design Accessibility  
972 Guidelines, including, but not limited to, the readily  
973 achievable standard, and the standards applicable to alterations  
974 to places of public accommodation and commercial facilities.  
975 Subject to the exceptions described in subsections (2), (4),  
976 (5), and (6), if ~~when~~ the parking and loading zone requirements  
977 of the federal standards and related regulations ~~Americans with~~  
978 ~~Disabilities Act Accessibility Guidelines (ADAAG)~~, as adopted by  
979 ~~reference in 28 C.F.R. part 36, subparts A and D, and Title II~~  
980 ~~of Pub. L. No. 101-336~~, provide increased accessibility, those  
981 requirements are adopted and incorporated by reference as the

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982 law of this state.

983 (2) State agencies and political subdivisions having  
984 jurisdiction over street parking or publicly owned or operated  
985 parking facilities are not required to provide a greater right-  
986 of-way width than would otherwise be planned under regulations,  
987 guidelines, or practices normally applied to new development.

988 (3) Designated accessible ~~If parking spaces are provided~~  
989 ~~for self-parking by employees or visitors, or both, accessible~~  
990 ~~spaces shall be provided in each such parking area. Such spaces~~  
991 shall be designed and marked for the exclusive use of ~~those~~  
992 individuals who have a severe physical disability and have  
993 permanent or temporary mobility problems that substantially  
994 impair their ability to ambulate and who have been issued ~~either~~  
995 a disabled parking permit under s. 316.1958 or s. 320.0848 or a  
996 license plate under s. 320.084, s. 320.0842, s. 320.0843, or s.  
997 320.0845.

998 (4) The number of accessible parking spaces must comply  
999 with the parking requirements in ~~ADAAG~~ s. 208 of the standards  
1000 ~~4.1~~ and the following:

1001 (a) There must be one accessible parking space in the  
1002 immediate vicinity of a publicly owned or leased building that  
1003 houses a governmental entity or a political subdivision,  
1004 including, but not limited to, state office buildings and  
1005 courthouses, if ~~no~~ parking for the public is not provided on the  
1006 premises of the building.

1007 (b) There must be one accessible parking space for each 150  
1008 metered on-street parking spaces provided by state agencies and  
1009 political subdivisions.

1010 (c) The number of parking spaces for persons who have

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1011 disabilities must be increased on the basis of demonstrated and  
1012 documented need.

1013 (5) Accessible perpendicular and diagonal accessible  
1014 parking spaces and loading zones must be designed and located to  
1015 conform to ~~in conformance with the guidelines set forth in ADAAG~~  
1016 ~~ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s.~~  
1017 ~~A4.6.3 "Universal Parking Design."~~

1018 (a) All spaces must be located on an accessible route that  
1019 is at least ~~no less than~~ 44 inches wide so that users are ~~will~~  
1020 ~~be~~ compelled to walk or wheel behind parked vehicles except  
1021 behind his or her own vehicle.

1022 (b) ~~Each space must be located on the shortest safely~~  
1023 ~~accessible route from the parking space to an accessible~~  
1024 ~~entrance.~~ If there are multiple entrances or multiple retail  
1025 stores, the parking spaces must be dispersed to provide parking  
1026 at the nearest accessible entrance. If a theme park or an  
1027 entertainment complex as defined in s. 509.013(9) provides  
1028 parking in several lots or areas from which access to the theme  
1029 park or entertainment complex is provided, a single lot or area  
1030 may be designated for parking by persons who have disabilities,  
1031 if the lot or area is located on the shortest ~~safely~~ accessible  
1032 route to an accessible entrance to the theme park or  
1033 entertainment complex or to transportation to such an accessible  
1034 entrance.

1035 (c)1. Each parking space must be at least ~~no less than~~ 12  
1036 feet wide. Parking access aisles must be at least ~~no less than~~ 5  
1037 feet wide and must be part of an accessible route to the  
1038 building or facility entrance. ~~In accordance with ADAAG s.~~  
1039 ~~4.6.3, access aisles must be placed adjacent to accessible~~

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1040 ~~parking spaces; however, two accessible parking spaces may share~~  
1041 ~~a common access aisle.~~ The access aisle must be striped  
1042 diagonally to designate it as a no-parking zone.

1043 2. The parking access aisles are reserved for the temporary  
1044 exclusive use of persons who have disabled parking permits and  
1045 who require extra space to deploy a mobility device, lift, or  
1046 ramp in order to exit from or enter a vehicle. Parking is not  
1047 allowed in an access aisle. Violators are subject to the same  
1048 penalties ~~that are~~ imposed for illegally parking in parking  
1049 spaces that are designated for persons who have disabilities. A  
1050 vehicle may not be parked in an access aisle, even if the  
1051 vehicle owner or passenger is disabled or owns a disabled  
1052 parking permit.

1053 3. Notwithstanding any other provision of this subsection  
1054 ~~to the contrary notwithstanding,~~ a theme park or an  
1055 entertainment complex as defined in s. 509.013(9) in which ~~are~~  
1056 ~~provided~~ continuous attendant services are provided for  
1057 directing individuals to marked accessible parking spaces or  
1058 designated lots for parking by persons who have disabilities,  
1059 may, in lieu of the required parking space design, provide  
1060 parking spaces that comply with ~~ADAAG~~ ss. 208 and 502 of the  
1061 standards 4.1 and 4.6.

1062 (d) On-street parallel parking spaces ~~must be located~~  
1063 ~~either at the beginning or end of a block or adjacent to alley~~  
1064 ~~entrances. Such spaces must be designed to conform to in~~  
1065 ~~conformance with the guidelines set forth in ADAAG ss. 208 and~~  
1066 ~~502 of the standards, except that 4.6.2 through 4.6.5,~~  
1067 ~~exception:~~ access aisles are not required. Curbs adjacent to  
1068 such spaces must be of a height that does ~~will~~ not interfere

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1069 with the opening and closing of motor vehicle doors. This  
1070 subsection does not relieve the owner of the responsibility to  
1071 comply with the parking requirements of ~~ADAAG~~ ss. 208 and 502 of  
1072 the standards 4.1 and 4.6.

1073 ~~(c) Parallel parking spaces must be even with surface~~  
1074 ~~slopes, may match the grade of the adjacent travel lane, and~~  
1075 ~~must not exceed a cross slope of 1 to 50, where feasible.~~

1076 ~~(f) Curb ramps must be located outside of the disabled~~  
1077 ~~parking spaces and access aisles.~~

1078 ~~(e)~~(g)1. The removal of architectural barriers from a  
1079 parking facility in accordance with 28 C.F.R. s. 36.304 or with  
1080 s. 553.508 must comply with this section unless compliance would  
1081 cause the barrier removal not to be readily achievable. If  
1082 compliance would cause the barrier removal not to be readily  
1083 achievable, a facility may provide parking spaces at alternative  
1084 locations for persons who have disabilities and provide  
1085 appropriate signage directing such persons ~~who have disabilities~~  
1086 to the alternative parking if readily achievable. The facility  
1087 may not reduce the required number or dimensions of those spaces  
1088 ~~or, nor may it~~ unreasonably increase the length of the  
1089 accessible route from a parking space to the facility. The  
1090 removal of an architectural barrier must not create a  
1091 significant risk to the health or safety of a person who has a  
1092 disability or to ~~that of~~ others.

1093 2. A facility that is making alterations under s.  
1094 553.507(2)(b) must comply with this section to the maximum  
1095 extent feasible. If compliance with parking location  
1096 requirements is not feasible, the facility may provide parking  
1097 spaces at alternative locations for persons who have

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1098 disabilities and provide appropriate signage directing such  
1099 persons ~~who have a disability~~ to alternative parking. The  
1100 facility may not reduce the required number or dimensions of  
1101 those spaces, or ~~nor may it~~ unnecessarily increase the length of  
1102 the accessible route from a parking space to the facility. The  
1103 alteration must not create a significant risk to the health or  
1104 safety of a person who has a disability or to ~~that of~~ others.

1105 (6) Each such parking space must be striped in a manner  
1106 that is consistent with the standards of the controlling  
1107 jurisdiction for other spaces and prominently outlined with blue  
1108 paint, and must be repainted when necessary, to be clearly  
1109 distinguishable as a parking space designated for persons who  
1110 have disabilities. The space ~~and~~ must be posted with a permanent  
1111 above-grade sign of a color and design approved by the  
1112 Department of Transportation, which is placed on or at least 60  
1113 inches above the finished floor or ground surface measured to  
1114 the bottom of the sign ~~a distance of 84 inches above the ground~~  
1115 ~~to the bottom of the sign~~ and which bears the international  
1116 symbol of accessibility meeting the requirements of ~~ADAAG~~ s.  
1117 703.7.2.1 of the standards 4.30.7 and the caption "PARKING BY  
1118 DISABLED PERMIT ONLY." Such a sign erected after October 1,  
1119 1996, must indicate the penalty for illegal use of the space.  
1120 Notwithstanding any other provision of this section ~~to the~~  
1121 ~~contrary notwithstanding~~, in a theme park or an entertainment  
1122 complex as defined in s. 509.013~~(9)~~ in which accessible parking  
1123 is located in designated lots or areas, the signage indicating  
1124 the lot as reserved for accessible parking may be located at the  
1125 entrances to the lot in lieu of a sign at each parking place.  
1126 This subsection does not relieve the owner of the responsibility

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1127 of complying with the signage requirements of ~~ADAAG~~ s. 502.6 of  
1128 the standards ~~4.30~~.

1129 Section 24. Section 553.505, Florida Statutes, is amended  
1130 to read:

1131 553.505 Exceptions to applicability of the Americans with  
1132 Disabilities Act.—Notwithstanding the Americans with  
1133 Disabilities Act of 1990, private clubs are governed by this  
1134 part ~~ss. 553.501-553.513~~. ~~Parking spaces, parking lots, and~~  
1135 ~~other parking facilities are governed by s. 553.5041 when that~~  
1136 ~~section provides increased accessibility.~~

1137 Section 25. Section 553.506, Florida Statutes, is amended  
1138 to read:

1139 553.506 Powers of the commission.—In addition to any other  
1140 authority vested in the Florida Building Commission by law, the  
1141 commission, in implementing this part ~~ss. 553.501-553.513~~, may,  
1142 by rule, adopt revised and updated versions of the Americans  
1143 with Disabilities Act Standards for Accessible Design  
1144 ~~Accessibility Guidelines~~ in accordance with chapter 120.

1145 Section 26. Section 553.507, Florida Statutes, is amended  
1146 to read:

1147 553.507 Applicability Exemptions.—This part applies to  
1148 ~~Sections 553.501-553.513 do not apply to any of the following:~~

1149 (1) All areas of newly designed and newly constructed  
1150 buildings and facilities as determined by the federal standards  
1151 established and adopted pursuant to s. 553.503. ~~Buildings,~~  
1152 ~~structures, or facilities that were either under construction or~~  
1153 ~~under contract for construction on October 1, 1997.~~

1154 (2) Portions of altered buildings and facilities as  
1155 determined by the federal standards established and adopted



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1156 pursuant to s. 553.503. Buildings, structures, or facilities  
1157 ~~that were in existence on October 1, 1997, unless:~~

1158 ~~(a) The building, structure, or facility is being converted~~  
1159 ~~from residential to nonresidential or mixed use, as defined by~~  
1160 ~~local law;~~

1161 ~~(b) The proposed alteration or renovation of the building,~~  
1162 ~~structure, or facility will affect usability or accessibility to~~  
1163 ~~a degree that invokes the requirements of s. 303(a) of the~~  
1164 ~~Americans with Disabilities Act of 1990; or~~

1165 ~~(c) The original construction or any former alteration or~~  
1166 ~~renovation of the building, structure, or facility was carried~~  
1167 ~~out in violation of applicable permitting law.~~

1168 (3) A building or facility that is being converted from  
1169 residential to nonresidential or mixed use as defined by the  
1170 Florida Building Code. Such building or facility must, at a  
1171 minimum, comply with s. 553.508 and the requirements for  
1172 alternations as determined by the federal standards established  
1173 and adopted pursuant to s. 553.503.

1174 (4) Buildings and facilities where the original  
1175 construction or any former alternation or renovation was carried  
1176 out in violation of applicable permitting law.

1177 Section 27. Section 553.509, Florida Statutes, is amended  
1178 to read:

1179 553.509 Vertical accessibility.—

1180 (1) This part and the Americans with Disabilities Act  
1181 Standards for Accessible Design do not ~~Nothing in ss. 553.501-~~  
1182 ~~553.513 or the guidelines shall be construed to relieve the~~  
1183 ~~owner of any building, structure, or facility governed by this~~  
1184 ~~part~~ those sections from the duty to provide vertical

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1185 accessibility to all levels above and below the occupiable grade  
1186 level, regardless of whether the standards ~~guidelines~~ require an  
1187 elevator to be installed in such building, structure, or  
1188 facility, except for:

1189 (a) Elevator pits, elevator penthouses, mechanical rooms,  
1190 piping or equipment catwalks, and automobile lubrication and  
1191 maintenance pits and platforms. ~~†~~

1192 (b) Unoccupiable spaces, such as rooms, enclosed spaces,  
1193 and storage spaces that are not designed for human occupancy,  
1194 for public accommodations, or for work areas. ~~† and~~

1195 (c) Occupiable spaces and rooms that are not open to the  
1196 public and that house no more than five persons, including, but  
1197 not limited to, equipment control rooms and projection booths.

1198 (d) Theaters, concert halls, and stadiums, or other large  
1199 assembly areas that have stadium-style seating or tiered seating  
1200 if ss. 221 and 802 of the standards are met.

1201 (e) All play and recreation areas if the requirements of  
1202 chapter 10 of the standards are met.

1203 (f) All employee areas as exempted in s. 203.9 of the  
1204 standards.

1205 (g) Facilities, sites, and spaces exempted by s. 203 of the  
1206 standards.

1207 ~~(2) (a) Any person, firm, or corporation that owns, manages,~~  
1208 ~~or operates a residential multifamily dwelling, including a~~  
1209 ~~condominium, that is at least 75 feet high and contains a public~~  
1210 ~~elevator, as described in s. 399.035(2) and (3) and rules~~  
1211 ~~adopted by the Florida Building Commission, shall have at least~~  
1212 ~~one public elevator that is capable of operating on an alternate~~  
1213 ~~power source for emergency purposes. Alternate power shall be~~

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1214 ~~available for the purpose of allowing all residents access for a~~  
1215 ~~specified number of hours each day over a 5-day period following~~  
1216 ~~a natural disaster, manmade disaster, emergency, or other civil~~  
1217 ~~disturbance that disrupts the normal supply of electricity. The~~  
1218 ~~alternate power source that controls elevator operations must~~  
1219 ~~also be capable of powering any connected fire alarm system in~~  
1220 ~~the building.~~

1221 ~~(b) At a minimum, the elevator must be appropriately~~  
1222 ~~prewired and prepared to accept an alternate power source and~~  
1223 ~~must have a connection on the line side of the main disconnect,~~  
1224 ~~pursuant to National Electric Code Handbook, Article 700. In~~  
1225 ~~addition to the required power source for the elevator and~~  
1226 ~~connected fire alarm system in the building, the alternate power~~  
1227 ~~supply must be sufficient to provide emergency lighting to the~~  
1228 ~~interior lobbies, hallways, and other portions of the building~~  
1229 ~~used by the public. Residential multifamily dwellings must have~~  
1230 ~~an available generator and fuel source on the property or have~~  
1231 ~~proof of a current contract posted in the elevator machine room~~  
1232 ~~or other place conspicuous to the elevator inspector affirming a~~  
1233 ~~current guaranteed service contract for such equipment and fuel~~  
1234 ~~source to operate the elevator on an on-call basis within 24~~  
1235 ~~hours after a request. By December 31, 2006, any person, firm or~~  
1236 ~~corporation that owns, manages, or operates a residential~~  
1237 ~~multifamily dwelling as defined in paragraph (a) must provide to~~  
1238 ~~the local building inspection agency verification of engineering~~  
1239 ~~plans for residential multifamily dwellings that provide for the~~  
1240 ~~capability to generate power by alternate means. Compliance with~~  
1241 ~~installation requirements and operational capability~~  
1242 ~~requirements must be verified by local building inspectors and~~

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1243 ~~reported to the county emergency management agency by December~~  
1244 ~~31, 2007.~~

1245 ~~(c) Each newly constructed residential multifamily~~  
1246 ~~dwelling, including a condominium, that is at least 75 feet high~~  
1247 ~~and contains a public elevator, as described in s. 399.035(2)~~  
1248 ~~and (3) and rules adopted by the Florida Building Commission,~~  
1249 ~~must have at least one public elevator that is capable of~~  
1250 ~~operating on an alternate power source for the purpose of~~  
1251 ~~allowing all residents access for a specified number of hours~~  
1252 ~~each day over a 5-day period following a natural disaster,~~  
1253 ~~manmade disaster, emergency, or other civil disturbance that~~  
1254 ~~disrupts the normal supply of electricity. The alternate power~~  
1255 ~~source that controls elevator operations must be capable of~~  
1256 ~~powering any connected fire alarm system in the building. In~~  
1257 ~~addition to the required power source for the elevator and~~  
1258 ~~connected fire alarm system, the alternate power supply must be~~  
1259 ~~sufficient to provide emergency lighting to the interior~~  
1260 ~~lobbies, hallways, and other portions of the building used by~~  
1261 ~~the public. Engineering plans and verification of operational~~  
1262 ~~capability must be provided by the local building inspector to~~  
1263 ~~the county emergency management agency before occupancy of the~~  
1264 ~~newly constructed building.~~

1265 ~~(d) Each person, firm, or corporation that is required to~~  
1266 ~~maintain an alternate power source under this subsection shall~~  
1267 ~~maintain a written emergency operations plan that details the~~  
1268 ~~sequence of operations before, during, and after a natural or~~  
1269 ~~manmade disaster or other emergency situation. The plan must~~  
1270 ~~include, at a minimum, a lifesafety plan for evacuation,~~  
1271 ~~maintenance of the electrical and lighting supply, and~~

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1272 ~~provisions for the health, safety, and welfare of the residents.~~  
1273 ~~In addition, the owner, manager, or operator of the residential~~  
1274 ~~multifamily dwelling must keep written records of any contracts~~  
1275 ~~for alternative power generation equipment. Also, quarterly~~  
1276 ~~inspection records of lifesafety equipment and alternate power~~  
1277 ~~generation equipment must be posted in the elevator machine room~~  
1278 ~~or other place conspicuous to the elevator inspector, which~~  
1279 ~~confirm that such equipment is properly maintained and in good~~  
1280 ~~working condition, and copies of contracts for alternate power~~  
1281 ~~generation equipment shall be maintained on site for~~  
1282 ~~verification. The written emergency operations plan and~~  
1283 ~~inspection records shall also be open for periodic inspection by~~  
1284 ~~local and state government agencies as deemed necessary. The~~  
1285 ~~owner or operator must keep a generator key in a lockbox posted~~  
1286 ~~at or near any installed generator unit.~~

1287 ~~(c) Multistory affordable residential dwellings for persons~~  
1288 ~~age 62 and older that are financed or insured by the United~~  
1289 ~~States Department of Housing and Urban Development must make~~  
1290 ~~every effort to obtain grant funding from the Federal Government~~  
1291 ~~or the Florida Housing Finance Corporation to comply with this~~  
1292 ~~subsection. If an owner of such a residential dwelling cannot~~  
1293 ~~comply with the requirements of this subsection, the owner must~~  
1294 ~~develop a plan with the local emergency management agency to~~  
1295 ~~ensure that residents are evacuated to a place of safety in the~~  
1296 ~~event of a power outage resulting from a natural or manmade~~  
1297 ~~disaster or other emergency situation that disrupts the normal~~  
1298 ~~supply of electricity for an extended period of time. A place of~~  
1299 ~~safety may include, but is not limited to, relocation to an~~  
1300 ~~alternative site within the building or evacuation to a local~~

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1301 shelter.

1302 ~~(f) As a part of the annual elevator inspection required~~  
1303 ~~under s. 399.061, certified elevator inspectors shall confirm~~  
1304 ~~that all installed generators required by this chapter are in~~  
1305 ~~working order, have current inspection records posted in the~~  
1306 ~~elevator machine room or other place conspicuous to the elevator~~  
1307 ~~inspector, and that the required generator key is present in the~~  
1308 ~~lockbox posted at or near the installed generator. If a building~~  
1309 ~~does not have an installed generator, the inspector shall~~  
1310 ~~confirm that the appropriate rewiring and switching~~  
1311 ~~capabilities are present and that a statement is posted in the~~  
1312 ~~elevator machine room or other place conspicuous to the elevator~~  
1313 ~~inspector affirming a current guaranteed contract exists for~~  
1314 ~~contingent services for alternate power is current for the~~  
1315 ~~operating period.~~

1316 (2) However, buildings, structures, and facilities must, as  
1317 a minimum, comply with the requirements in the Americans with  
1318 Disabilities Act Standards for Accessible Design Accessibility  
1319 Guidelines.

1320 Section 28. Consistent with the federal implementation of  
1321 the 2010 Americans with Disabilities Act Standards for  
1322 Accessible Design, buildings and facilities in this state may be  
1323 designed in conformity with the 2010 standards if the design  
1324 also complies with Florida-specific requirements provided in  
1325 part II of chapter 553, Florida Statutes, until the Florida  
1326 Accessibility Code for Building Construction is updated to  
1327 implement the changes to part II of chapter 553, Florida  
1328 Statutes, as provided by this Act.

1329 Section 29. Subsections (1), (2), (3), (9), and (15) of

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1330 section 553.73, Florida Statutes, are amended to read:

1331 553.73 Florida Building Code.—

1332 (1) ~~(a)~~ The commission shall adopt, by rule ~~pursuant to ss.~~  
1333 ~~120.536(1) and 120.54~~, the Florida Building Code and a Florida  
1334 supplement to the International Code Council's set of codes  
1335 which contains or incorporates ~~shall contain or incorporate~~ by  
1336 reference all laws and rules that ~~which~~ pertain to and govern  
1337 the design, construction, erection, alteration, modification,  
1338 repair, and demolition of public and private buildings,  
1339 structures, and facilities and enforcement of such laws and  
1340 rules, except as otherwise provided in this section.

1341 ~~(a)~~ ~~(b)~~ The technical portions of the Florida Accessibility  
1342 Code for Building Construction shall be contained ~~in their~~  
1343 ~~entirety~~ in the Florida Building Code supplement to the  
1344 International Accessibility Code. The civil rights portions and  
1345 the technical portions of the accessibility laws of this state  
1346 shall remain as currently provided by law. Any revision or  
1347 amendments to the Florida Accessibility Code for Building  
1348 Construction pursuant to part II shall be placed in the next  
1349 edition of the supplement ~~considered adopted by the commission~~  
1350 ~~as part of the Florida Building Code~~. Neither the commission nor  
1351 any local government shall revise or amend any standard of the  
1352 Florida Accessibility Code for Building Construction except as  
1353 provided for in part II.

1354 ~~(b)~~ ~~(c)~~ The Florida Fire Prevention Code and the Life Safety  
1355 Code shall be referenced in the Florida Building Code, but shall  
1356 be adopted, modified, revised, or amended, interpreted, and  
1357 maintained by the Department of Financial Services by rule  
1358 ~~adopted pursuant to ss. 120.536(1) and 120.54~~. The Florida

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1359 Building Commission may not adopt a fire prevention or  
1360 lifesafety code, and nothing in the Florida Building Code shall  
1361 affect the statutory powers, duties, and responsibilities of any  
1362 fire official or the Department of Financial Services.

1363 (c) ~~(d)~~ Conflicting requirements between the Florida  
1364 Building Code and the Florida Fire Prevention Code and Life  
1365 Safety Code ~~of the state~~ established pursuant to ss. 633.022 and  
1366 633.025 shall be resolved by agreement between the commission  
1367 and the State Fire Marshal in favor of the requirement that  
1368 offers the greatest degree of lifesafety or alternatives that  
1369 ~~would~~ provide an equivalent degree of lifesafety and an  
1370 equivalent method of construction. If the commission and State  
1371 Fire Marshal are unable to agree on a resolution, the question  
1372 shall be referred to a mediator, mutually agreeable to both  
1373 parties, to resolve the conflict in favor of the provision that  
1374 offers the greatest lifesafety, or alternatives that ~~would~~  
1375 provide an equivalent degree of lifesafety and an equivalent  
1376 method of construction.

1377 (d) ~~(e)~~ Subject to the provisions of this act,  
1378 responsibility for enforcement, interpretation, and regulation  
1379 of the Florida Building Code shall be vested in a specified  
1380 local board or agency, and the terms ~~words~~ "local government"  
1381 and "local governing body" as used in this part shall be  
1382 construed to refer exclusively to such local board or agency.

1383 (2) The Florida Building Code and supplement must ~~shall~~  
1384 contain provisions or requirements for public and private  
1385 buildings, structures, and facilities relative to structural,  
1386 mechanical, electrical, plumbing, energy, and gas systems,  
1387 existing buildings, historical buildings, manufactured



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1388 buildings, elevators, coastal construction, lodging facilities,  
1389 food sales and food service facilities, health care facilities,  
1390 including assisted living facilities, adult day care facilities,  
1391 hospice residential and inpatient facilities and units, and  
1392 facilities for the control of radiation hazards, public or  
1393 private educational facilities, swimming pools, and correctional  
1394 facilities and enforcement of and compliance with such  
1395 provisions or requirements. Further, the Florida Building Code  
1396 and supplement must provide for uniform implementation of ss.  
1397 515.25, 515.27, and 515.29 by including standards and criteria  
1398 for residential swimming pool barriers, pool covers, latching  
1399 devices, door and window exit alarms, and other equipment  
1400 required therein, which are consistent with the intent of s.  
1401 515.23. Technical provisions ~~to be~~ contained within the Florida  
1402 Building Code are restricted to requirements related to the  
1403 types of materials used and construction methods and standards  
1404 employed in order to meet criteria specified in the ~~Florida~~  
1405 ~~Building~~ code. Provisions relating to the personnel, supervision  
1406 or training of personnel, or any other professional  
1407 qualification requirements relating to contractors or their  
1408 workforce may not be included within the Florida Building Code,  
1409 and subsections (4), (6), (7), (8), and (9) are not to be  
1410 construed to allow the inclusion of such provisions within the  
1411 ~~Florida Building~~ code by amendment. This restriction applies to  
1412 both initial development and amendment of the Florida Building  
1413 Code and supplement.

1414 (3) The commission shall use the International Codes  
1415 published by the International Code Council, the National  
1416 Electric Code (NFPA 70), or other nationally adopted model codes

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1417 and standards needed to supplant or apply the base code in  
1418 Florida ~~select from available national or international model~~  
1419 ~~building codes, or other available building codes and standards~~  
1420 ~~currently recognized by the laws of this state,~~ to form the  
1421 foundation for building code standards and the Florida Building  
1422 Code and supplement. ~~The commission may modify the selected~~  
1423 ~~model codes and standards as needed to accommodate the specific~~  
1424 ~~needs of this state. Standards or criteria referenced by the~~  
1425 ~~selected model codes shall be similarly incorporated by~~  
1426 ~~reference. If a referenced standard or criterion requires~~  
1427 ~~amplification or modification to be appropriate for use in this~~  
1428 ~~state, only the amplification or modification shall be~~  
1429 ~~specifically set forth in the Florida Building Code.~~ The Florida  
1430 Building Commission may approve technical amendments to the  
1431 code, subject to ~~the requirements of~~ subsections (8) and (9),  
1432 after the amendments have been subject to the following  
1433 conditions:

1434 (a) The proposed amendment has been published on the  
1435 commission's website for a minimum of 45 days and all the  
1436 associated documentation has been made available to any  
1437 interested party before any consideration by a ~~any~~ technical  
1438 advisory committee;

1439 (b) In order for a technical advisory committee to make a  
1440 favorable recommendation to the commission, the proposal must  
1441 receive a three-fourths vote of the members present at the  
1442 technical advisory committee meeting and at least half of the  
1443 regular members must be present in order to conduct a meeting;

1444 (c) After technical advisory committee consideration and a  
1445 recommendation for approval of any proposed amendment, the

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1446 proposal must be published on the commission's website for at  
1447 least ~~not less than~~ 45 days before ~~any~~ consideration by the  
1448 commission; and

1449 (d) A ~~Any~~ proposal may be modified by the commission based  
1450 on public testimony and evidence from a public hearing held in  
1451 accordance with chapter 120.

1452  
1453 The commission shall incorporate within sections of the Florida  
1454 Building Code provisions which address regional and local  
1455 concerns and variations. The commission shall make every effort  
1456 to minimize conflicts between the Florida Building Code, the  
1457 Florida Fire Prevention Code, and the Life Safety Code.

1458 (9) (a) The commission may approve technical amendments to  
1459 the Florida Building Code once each year for statewide or  
1460 regional application upon a finding that the amendment:

1461 1. Is needed in order to accommodate the specific needs of  
1462 this state.

1463 2. Has a reasonable and substantial connection with the  
1464 health, safety, and welfare of the general public.

1465 3. Strengthens or improves the Florida Building Code, or in  
1466 the case of innovation or new technology, will provide  
1467 equivalent or better products or methods or systems of  
1468 construction.

1469 4. Does not discriminate against materials, products,  
1470 methods, or systems of construction of demonstrated  
1471 capabilities.

1472 5. Does not degrade the effectiveness of the Florida  
1473 Building Code.

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1475 ~~Furthermore,~~ The Florida Building Commission may also approve  
1476 technical amendments to the code once every 3 years in order  
1477 ~~each year~~ to incorporate into the Florida Building Code its own  
1478 interpretations of the code which are embodied in its opinions,  
1479 final orders, declaratory statements, and interpretations of  
1480 hearing officer panels under s. 553.775(3)(c), but ~~shall do so~~  
1481 only to the extent that the incorporation of interpretations is  
1482 needed to modify the foundation codes to accommodate the  
1483 specific needs of this state. Amendments approved under this  
1484 paragraph shall be adopted by rule ~~pursuant to ss. 120.536(1)~~  
1485 ~~and 120.54,~~ after the amendments have been subjected to ~~the~~  
1486 ~~provisions of~~ subsection (3).

1487 (b) A proposed amendment must ~~shall~~ include a fiscal impact  
1488 statement that ~~which~~ documents the costs and benefits of the  
1489 proposed amendment. Criteria for the fiscal impact statement  
1490 shall be established by rule by the commission and ~~shall~~ include  
1491 the impact to local government relative to enforcement, the  
1492 impact to property and building owners, and the impact as well  
1493 ~~as~~ to industry, relative to the cost of compliance. A proposed  
1494 amendment to the base code must also include specific  
1495 justifications for why this state is different from other areas  
1496 that have adopted the base code and why the proposed amendment  
1497 applies to this state and no other area or region where the base  
1498 code has been adopted.

1499 (c) The commission may not approve a ~~any~~ proposed amendment  
1500 that does not accurately and completely address all requirements  
1501 for amendment which are set forth in this section. The  
1502 commission shall require all proposed amendments and information  
1503 submitted with proposed amendments to be reviewed by commission

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1504 staff prior to consideration by any technical advisory  
1505 committee. These reviews shall be for sufficiency only and are  
1506 not intended to be qualitative in nature. Staff members shall  
1507 reject any proposed amendment that fails to include a fiscal  
1508 impact statement. Proposed amendments rejected by members of the  
1509 staff may not be considered by the commission or any technical  
1510 advisory committee.

1511 (d) Provisions of the Florida Building Code, including  
1512 those contained in referenced standards and criteria, relating  
1513 to wind resistance or the prevention of water intrusion may not  
1514 be amended pursuant to this subsection to diminish those  
1515 construction requirements; however, the commission may, subject  
1516 to conditions in this subsection, amend the provisions to  
1517 enhance ~~those~~ construction requirements.

1518 (15) An agency or local government may not require that  
1519 existing mechanical equipment on the surface of a roof be  
1520 installed in compliance with ~~the requirements of~~ the Florida  
1521 Building Code until the equipment is required to be removed or  
1522 replaced, or the roof is replaced or recovered.

1523 Section 30. Paragraph (v) of subsection (1) of section  
1524 553.74, Florida Statutes, is amended to read:

1525 553.74 Florida Building Commission.—

1526 (1) The Florida Building Commission is created and shall be  
1527 located within the Department of Community Affairs for  
1528 administrative purposes. Members shall be appointed by the  
1529 Governor subject to confirmation by the Senate. The commission  
1530 shall be composed of 25 members, consisting of the following:

1531 (v) One member who is a representative of the green  
1532 building industry and who is a third-party commission agent, a

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1533 Florida board member of the United States Green Building Council  
1534 or Green Building Initiative, a professional who is accredited  
1535 under the International Green Construction Code (IGCC), or a  
1536 professional who is accredited under Leadership in Energy and  
1537 Environmental Design (LEED) ~~LEED-accredited professional.~~

1538  
1539 Any person serving on the commission under paragraph (c) or  
1540 paragraph (h) on October 1, 2003, and who has served less than  
1541 two full terms is eligible for reappointment to the commission  
1542 regardless of whether he or she meets the new qualification.

1543 Section 31. Subsection (5) of section 553.842, Florida  
1544 Statutes, is amended to read:

1545 553.842 Product evaluation and approval.—

1546 (5) Statewide approval of products, methods, or systems of  
1547 construction may be achieved by one of the following methods.  
1548 One of these methods must be used by the commission to approve  
1549 the following categories of products: panel walls, exterior  
1550 doors, roofing, skylights, windows, shutters, and structural  
1551 components as established by the commission by rule. A product  
1552 may not be advertised, sold, offered, provided, distributed, or  
1553 marketed as hurricane, wind storm, or impact protection from  
1554 wind-borne debris during a hurricane or wind storm unless it is  
1555 approved pursuant to s. 553.842 or s. 553.8425. Any person who  
1556 advertises, sells, offers, provides, distributes, or markets a  
1557 product as hurricane, windstorm, or impact protection from wind-  
1558 borne debris without such approval is subject to the Florida  
1559 Deceptive and Unfair Trade Practices Act under part II of  
1560 chapter 501 brought by the enforcing authority as defined in s.  
1561 501.203.

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1562 (a) Products for which the code establishes standardized  
1563 testing or comparative or rational analysis methods shall be  
1564 approved by submittal and validation of one of the following  
1565 reports or listings indicating that the product or method or  
1566 system of construction was ~~evaluated to be~~ in compliance with  
1567 the Florida Building Code and that the product or method or  
1568 system of construction is, for the purpose intended, at least  
1569 equivalent to that required by the Florida Building Code:

1570 1. A certification mark or listing of an approved  
1571 certification agency, which may be used only for products for  
1572 which the code designates standardized testing;

1573 2. A test report from an approved testing laboratory;

1574 3. A product evaluation report based upon testing or  
1575 comparative or rational analysis, or a combination thereof, from  
1576 an approved product evaluation entity; or

1577 4. A product evaluation report based upon testing or  
1578 comparative or rational analysis, or a combination thereof,  
1579 developed and signed and sealed by a professional engineer or  
1580 architect, licensed in this state.

1581  
1582 A product evaluation report or a certification mark or listing  
1583 of an approved certification agency which demonstrates that the  
1584 product or method or system of construction complies with the  
1585 Florida Building Code for the purpose intended is ~~shall be~~  
1586 equivalent to a test report and test procedure ~~as~~ referenced in  
1587 the Florida Building Code. An application for state approval of  
1588 a product under subparagraph 1. must be approved by the  
1589 department after the commission staff or a designee verifies  
1590 that the application and related documentation are complete.

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1591 This verification must be completed within 10 business days  
1592 after receipt of the application. Upon approval by the  
1593 department, the product shall be immediately added to the list  
1594 of state-approved products maintained under subsection (13).  
1595 Approvals by the department shall be reviewed and ratified by  
1596 the commission's program oversight committee except for a  
1597 showing of good cause that a review by the full commission is  
1598 necessary. The commission shall adopt rules providing means to  
1599 cure deficiencies identified within submittals for products  
1600 approved under this paragraph.

1601 (b) Products, methods, or systems of construction for which  
1602 there are no specific standardized testing or comparative or  
1603 rational analysis methods established in the code may be  
1604 approved by submittal and validation of one of the following:

1605 1. A product evaluation report based upon testing or  
1606 comparative or rational analysis, or a combination thereof, from  
1607 an approved product evaluation entity indicating that the  
1608 product or method or system of construction was ~~evaluated to be~~  
1609 in compliance with the intent of the Florida Building Code and  
1610 that the product or method or system of construction is, for the  
1611 purpose intended, at least equivalent to that required by the  
1612 Florida Building Code; or

1613 2. A product evaluation report based upon testing or  
1614 comparative or rational analysis, or a combination thereof,  
1615 developed and signed and sealed by a professional engineer or  
1616 architect, licensed in this state, who certifies that the  
1617 product or method or system of construction is, for the purpose  
1618 intended, at least equivalent to that required by the Florida  
1619 Building Code.



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1620 Section 32. Subsections (3), (4), and (5) of section  
1621 553.909, Florida Statutes, are amended to read:

1622 553.909 Setting requirements for appliances; exceptions.—

1623 (3) Commercial or residential swimming pool ~~pumps or water~~  
1624 heaters manufactured and sold on or after July 1, 2011, for  
1625 installation in this state must ~~shall~~ comply with the  
1626 requirements of the Florida Energy Efficiency Code for Building  
1627 Construction ~~this subsection.~~

1628 ~~(a) Natural gas pool heaters shall not be equipped with~~  
1629 ~~constantly burning pilots.~~

1630 ~~(b) Heat pump pool heaters shall have a coefficient of~~  
1631 ~~performance at low temperature of not less than 4.0.~~

1632 ~~(c) The thermal efficiency of gas-fired pool heaters and~~  
1633 ~~oil-fired pool heaters shall not be less than 78 percent.~~

1634 ~~(d) All pool heaters shall have a readily accessible on-off~~  
1635 ~~switch that is mounted outside the heater and that allows~~  
1636 ~~shutting off the heater without adjusting the thermostat~~  
1637 ~~setting.~~

1638 (4) ~~(a)~~ Residential swimming pool filtration pumps and pump  
1639 motors manufactured and sold on or after July 1, 2011, for  
1640 installation in this state must comply with the requirements of  
1641 the Florida Energy Efficiency Code for Building Construction ~~in~~  
1642 ~~this subsection.~~

1643 ~~(b) Residential filtration pool pump motors shall not be~~  
1644 ~~split phase, shaded pole, or capacitor start induction run~~  
1645 ~~types.~~

1646 ~~(c) Residential filtration pool pumps and pool pump motors~~  
1647 ~~with a total horsepower of 1 HP or more shall have the~~  
1648 ~~capability of operating at two or more speeds with a low speed~~

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1649 ~~having a rotation rate that is no more than one-half of the~~  
1650 ~~motor's maximum rotation rate.~~

1651 ~~(d) Residential filtration pool pump motor controls shall~~  
1652 ~~have the capability of operating the pool pump at a minimum of~~  
1653 ~~two speeds. The default circulation speed shall be the~~  
1654 ~~residential filtration speed, with a higher speed override~~  
1655 ~~capability being for a temporary period not to exceed one normal~~  
1656 ~~cycle or 24 hours, whichever is less; except that circulation~~  
1657 ~~speed for solar pool heating systems shall be permitted to run~~  
1658 ~~at higher speeds during periods of usable solar heat gain.~~

1659 (5) Portable electric spas manufactured and sold on or  
1660 after July 1, 2011, for installation in this state must comply  
1661 with the requirements of the Florida Energy Efficiency Code for  
1662 Building Construction ~~spa standby power shall not be greater~~  
1663 ~~than 5 (V<sup>2</sup>/3) watts where V - the total volume, in gallons, when~~  
1664 ~~spas are measured in accordance with the spa industry test~~  
1665 ~~protocol.~~

1666 Section 33. Paragraph (a) of subsection (2) of section  
1667 627.711, Florida Statutes, is amended to read:

1668 627.711 Notice of premium discounts for hurricane loss  
1669 mitigation; uniform mitigation verification inspection form.—

1670 (2) (a) The Financial Services Commission shall develop by  
1671 rule a uniform mitigation verification inspection form that  
1672 shall be used by all insurers when submitted by policyholders  
1673 for the purpose of factoring discounts for wind insurance. In  
1674 developing the form, the commission shall seek input from  
1675 insurance, construction, and building code representatives.  
1676 Further, the commission shall provide guidance as to the length  
1677 of time the inspection results are valid. An insurer shall

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1678 accept as valid a uniform mitigation verification form signed by  
1679 the following authorized mitigation inspectors:

1680 1. A home inspector licensed under s. 468.8314 who has  
1681 completed at least 3 hours of hurricane mitigation training  
1682 approved by the Construction Industry Licensing Board which  
1683 includes hurricane mitigation techniques and compliance with the  
1684 uniform mitigation verification form and completion of a  
1685 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~  
1686 ~~468.8314 must complete at least 2 hours of continuing education,~~  
1687 ~~as part of the existing licensure renewal requirements each~~  
1688 ~~year, related to mitigation inspection and the uniform~~  
1689 ~~mitigation form;~~

1690 2. A building code inspector certified under s. 468.607;

1691 3. A general, building, or residential contractor licensed  
1692 under s. 489.111;

1693 4. A professional engineer licensed under s. 471.015;

1694 5. A professional architect licensed under s. 481.213; or

1695 6. Any other individual or entity recognized by the insurer  
1696 as possessing the necessary qualifications to properly complete  
1697 a uniform mitigation verification form.

1698 Section 34. This act shall take effect July 1, 2011.