

2011396e1

1 A bill to be entitled
2 An act relating to building construction and
3 inspection; amending s. 120.541, F.S.; providing that
4 the issuance of a statement of estimated regulatory
5 costs does not apply to updates of or modifications to
6 the Florida Building Code or the Florida Fire
7 Prevention Code; amending s. 161.053, F.S.;
8 prohibiting the Florida Building Commission from
9 adopting rules that limit any exceptions or exemptions
10 provided for modifications or repairs of existing
11 structures within the limits of an existing foundation
12 under certain circumstances; amending s. 255.252,
13 F.S.; conforming provisions to changes made by the
14 act; amending s. 255.253, F.S.; defining the term
15 "sustainable building rating or national model green
16 building code" to include the International Green
17 Construction Code; amending ss. 255.257 and 255.2575,
18 F.S.; requiring that state agencies, local
19 governments, and the court system adopt a sustainable
20 building rating system or national model green
21 building code for new and renovated buildings;
22 amending s. 468.8316, F.S.; revising the continuing
23 education requirements for licensed home inspectors;
24 amending s. 468.8319, F.S.; deleting an exemption for
25 certain contractors from the prohibition against
26 performing repairs on a home that has a home
27 inspection report; deleting an obsolete provision;
28 amending s. 468.8323, F.S.; clarifying a provision
29 relating to the contents of a home inspection report;

2011396e1

30 amending s. 468.8324, F.S.; providing alternative
31 criteria for obtaining a home inspector's license;
32 removing certain application requirements for a person
33 who performs home inspection services and who
34 qualifies for licensure on or before a specified date;
35 amending s. 468.841, F.S.; adding licensed home
36 inspectors to those who are exempt from complying with
37 provisions related to mold assessment; amending s.
38 481.329, F.S.; providing that part II of ch. 481,
39 F.S., does not preclude any person who engages in the
40 business of landscape design from submitting such
41 plans to governmental agencies for approval; amending
42 s. 489.103, F.S.; clarifying an exemption from
43 construction contracting regulation relating to
44 Habitat for Humanity; amending s. 489.105, F.S.;

45 adding the term "glass and glazing contractors" to the
46 definition of the term "contractor"; amending ss.
47 489.107 and 489.141, F.S.; conforming cross-
48 references; amending s. 514.028, F.S.; revising the
49 composition of the advisory review board relating to
50 public swimming pools and bathing facilities; amending
51 s. 527.06, F.S.; prohibiting the Department of
52 Agriculture and Consumer Services and other state
53 agencies from requiring compliance with certain
54 national standards for liquefied petroleum gas tanks
55 unless the department or agencies require compliance
56 with a specified edition of the national standards;
57 providing that if the Department of Agriculture and
58 Consumer Services and other state agencies adopt the

2011396e1

59 minimum separation distances of the NFPA codes, the
60 rules are repealed by a specified date; amending s.
61 527.21, F.S.; revising the term "propane" for purposes
62 of the Florida Propane Gas Education, Safety, and
63 Research Act, to incorporate changes to certain
64 national standards in a reference thereto; amending s.
65 553.502, F.S.; revising intent with respect to the
66 Florida Americans with Disabilities Act; amending s.
67 553.503, F.S.; incorporating the Americans with
68 Disabilities Act Standards for Accessible Design into
69 state law by reference and directing that they be
70 adopted by rule into the Florida Accessibility Code
71 for Building Construction; amending s. 553.504, F.S.;
72 revising exceptions to incorporate the standards;
73 amending s. 553.5041, F.S.; revising provisions
74 relating to parking spaces for persons who have
75 disabilities to incorporate the standards; amending
76 ss. 553.505 and 553.506, F.S.; conforming provisions
77 to changes made by the act; amending s. 553.507, F.S.;
78 providing for the applicability of the act; amending
79 s. 553.509, F.S.; revising provisions relating to
80 vertical accessibility to incorporate the standards;
81 providing that buildings and facilities in this state
82 do not have to comply with the changes provided by
83 this act until the Florida Accessibility Code for
84 Building Construction is updated; amending s. 553.73,
85 F.S.; revising requirements relating to the Florida
86 Building Code; specifying national codes to form the
87 foundation for state building standards and codes;

2011396e1

88 providing for the incorporation of amendments into the
89 Florida Building Code; requiring proposed amendments
90 to the code to demonstrate a need for the amendment;
91 providing an additional exemption from wind-borne
92 debris standards for certain storage sheds; amending
93 s. 553.74, F.S.; revising requirements for selecting a
94 member of the Florida Building Commission; amending s.
95 553.842, F.S.; providing for the approval of certain
96 windstorm products; providing a cause of action
97 against any person who advertises, sells, offers,
98 provides, distributes, or markets certain products
99 without approval; repealing s. 553.9061, F.S.,
100 relating to a schedule of increases in the energy
101 performance of buildings subject to the Florida Energy
102 Efficiency Code for Building Construction; amending s.
103 553.909, F.S.; revising the requirements for certain
104 pool-related equipment; amending s. 627.711, F.S.;
105 revising requirements relating to home inspectors
106 conducting hurricane mitigation inspections; providing
107 effective dates.

108
109 Be It Enacted by the Legislature of the State of Florida:

110
111 Section 1. Subsection (4) of section 120.541, Florida
112 Statutes, as amended by chapter 2010-279, Laws of Florida, is
113 amended to read:

114 120.541 Statement of estimated regulatory costs.—

115 (4) Subsection (3) ~~Paragraph (2)(a)~~ does not apply to the
116 adoption of:

2011396e1

117 ~~(a) emergency rules pursuant to s. 120.54(4) or the~~
118 ~~adoption of Federal standards pursuant to s. 120.54(6).~~

119 (b) Updates of or modifications to the Florida Building
120 Code pursuant to s. 553.73.

121 (c) Updates of or modifications to the Florida Fire
122 Prevention Code pursuant to s. 633.0215.

123 Section 2. Paragraph (a) of subsection (11) of section
124 161.053, Florida Statutes, is amended to read:

125 161.053 Coastal construction and excavation; regulation on
126 county basis.—

127 (11) (a) The coastal construction control requirements
128 defined in subsection (1) and the requirements of the erosion
129 projections in subsection (5) do not apply to any modification,
130 maintenance, or repair of any existing structure within the
131 limits of the existing foundation which does not require,
132 involve, or include any additions to, or repair or modification
133 of, the existing foundation of that structure. Specifically
134 excluded from this exemption are seawalls or other rigid coastal
135 or shore protection structures and any additions or enclosures
136 added, constructed, or installed below the first dwelling floor
137 or lowest deck of the existing structure. The Florida Building
138 Commission may not adopt any rule having the effect of limiting
139 any exceptions or exemptions contained within this paragraph.

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

142 255.252 Findings and intent.—

143 (3) In order for ~~that such~~ energy-efficiency and
144 sustainable materials considerations to become a function of
145 building design and a model for future application in the

2011396e1

146 private sector, it is ~~shall be~~ the policy of the state that
147 buildings constructed and financed by the state be designed and
148 constructed to comply with a sustainable building rating or a
149 national model green building code ~~the United States Green~~
150 ~~Building Council (USGBC) Leadership in Energy and Environmental~~
151 ~~Design (LEED) rating system, the Green Building Initiative's~~
152 ~~Green Globes rating system, the Florida Green Building Coalition~~
153 ~~standards, or a nationally recognized, high-performance green~~
154 ~~building rating system as approved by the department. It is~~
155 further the policy of the state, if ~~when~~ economically feasible,
156 to retrofit existing state-owned buildings in a manner that
157 minimizes ~~which will minimize~~ the consumption of energy used in
158 the operation and maintenance of such buildings.

159 (4) In addition to designing and constructing new buildings
160 to be energy-efficient, it is ~~shall be~~ the policy of the state
161 to operate and maintain state facilities in a manner that
162 minimizes ~~which will minimize~~ energy consumption and maximizes
163 ~~maximize~~ building sustainability, and to operate as well as
164 ~~ensure that~~ facilities leased by the state ~~are operated~~ so as to
165 minimize energy use. It is further the policy of the state that
166 the renovation of existing state facilities be in accordance
167 with a sustainable building rating or a national model green
168 building code ~~the United States Green Building Council (USGBC)~~
169 ~~Leadership in Energy and Environmental Design (LEED) rating~~
170 ~~system, the Green Building Initiative's Green Globes rating~~
171 ~~system, the Florida Green Building Coalition standards, or a~~
172 ~~nationally recognized, high-performance green building rating~~
173 ~~system as approved by the department. State agencies are~~
174 encouraged to consider shared savings financing of ~~such~~ energy-

2011396e1

175 efficiency and conservation projects, using contracts that ~~which~~
176 split the resulting savings for a specified period of time
177 between the state agency and the private firm or cogeneration
178 contracts and that ~~which~~ otherwise permit the state to lower its
179 net energy costs. Such energy contracts may be funded from the
180 operating budget.

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

183 255.253 Definitions; ss. 255.251-255.258.—

184 (7) "Sustainable building rating or national model green
185 building code" means a rating system established by the United
186 States Green Building Council (USGBC) Leadership in Energy and
187 Environmental Design (LEED) rating system, the International
188 Green Construction Code (IGCC), the Green Building Initiative's
189 Green Globes rating system, the Florida Green Building Coalition
190 standards, or a nationally recognized, high-performance green
191 building rating system as approved by the department.

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

194 255.257 Energy management; buildings occupied by state
195 agencies.—

196 (4) ADOPTION OF STANDARDS.—

197 (a) All state agencies shall adopt a sustainable building
198 rating system or use a national model green building code ~~the~~
199 ~~United States Green Building Council (USGBC) Leadership in~~
200 ~~Energy and Environmental Design (LEED) rating system, the Green~~
201 ~~Building Initiative's Green Globes rating system, the Florida~~
202 ~~Green Building Coalition standards, or a nationally recognized,~~
203 ~~high-performance green building rating system as approved by the~~

2011396e1

204 ~~department~~ for all new buildings and renovations to existing
205 buildings.

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

211 (c) All state agencies shall develop energy conservation
212 measures and guidelines for new and existing office space where
213 state agencies occupy more than 5,000 square feet. These
214 conservation measures shall focus on programs that may reduce
215 energy consumption and, when established, provide a net
216 reduction in occupancy costs.

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

219 255.2575 Energy-efficient and sustainable buildings.-

220 (2) All county, municipal, school district, water
221 management district, state university, community college, and
222 ~~Florida~~ state court buildings shall be constructed to comply
223 with a sustainable building rating system or a national model
224 green building code ~~meet the United States Green Building~~
225 ~~Council (USGBC) Leadership in Energy and Environmental Design~~
226 ~~(LEED) rating system, the Green Building Initiative's Green~~
227 ~~Globes rating system, the Florida Green Building Coalition~~
228 ~~standards, or a nationally recognized, high-performance green~~
229 ~~building rating system as approved by the Department of~~
230 ~~Management Services.~~ This section applies ~~shall apply~~ to all
231 county, municipal, school district, water management district,
232 state university, community college, and ~~Florida~~ state court

2011396e1

233 buildings the architectural plans of which are commenced after
234 July 1, 2008.

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

237 468.8316 Continuing education.—

238 (1) The department may not renew a license until the
239 licensee submits proof satisfactory to the department that
240 during the 2 years before ~~prior to his or her~~ application for
241 renewal the licensee ~~has~~ completed at least 14 hours of
242 continuing education. Of the 14 hours, at least 2 hours must be
243 in hurricane mitigation training that includes hurricane
244 mitigation techniques and compliance with the uniform mitigation
245 verification inspection form developed under s. 627.711(2). The
246 department shall adopt rules establishing criteria for approving
247 continuing education providers and courses ~~course content shall~~
248 ~~be approved by the department by rule.~~

249 Section 8. Paragraph (f) of subsection (1) and subsection
250 (3) of section 468.8319, Florida Statutes, are amended to read

251 468.8319 Prohibitions; penalties.—

252 (1) A person may not:

253 (f) Perform or offer to perform any repairs to a home on
254 which the inspector or the inspector's company has prepared a
255 home inspection report. This paragraph does not apply to:
256 ~~1.~~ a home warranty company that is affiliated with or
257 retains a home inspector to perform repairs pursuant to a claim
258 made under a home warranty contract.

259 ~~2. A certified contractor who is classified in s.~~
260 ~~489.105(3) as a Division I contractor. However, the department~~
261 ~~may adopt rules requiring that, if such contractor performs the~~

2011396e1

262 ~~home inspection and offers to perform the repairs, the contract~~
263 ~~for repairs provided to the homeowner discloses that he or she~~
264 ~~has the right to request competitive bids.~~

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

268 Section 9. Paragraph (b) of subsection (1) of section
269 468.8323, Florida Statutes, is amended to read:

270 468.8323 Home inspection report.—Upon completion of each
271 home inspection for compensation, the home inspector shall
272 provide a written report prepared for the client.

273 (1) The home inspector shall report:

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

277 Section 10. Section 468.8324, Florida Statutes, is amended
278 to read:

279 468.8324 Grandfather clause.—

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

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

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

290 (c) Possesses a Division I contractor license under part I

2011396e1

291 of chapter 489.

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

297 ~~(a) Is certified as a home inspector by a state or national~~
298 ~~association that requires, for such certification, successful~~
299 ~~completion of a proctored examination on home inspection~~
300 ~~services and completes at least 14 hours of verifiable education~~
301 ~~on such services; or~~

302 ~~(b) Has at least 3 years of experience as a home inspector~~
303 ~~at the time of application and has completed 14 hours of~~
304 ~~verifiable education on home inspection services. To establish~~
305 ~~the 3 years of experience, an applicant must submit at least 120~~
306 ~~home inspection reports prepared by the applicant.~~

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

311 (2)~~(3)~~ An applicant may not qualify for licensure under
312 this section if he or she has had a home inspector license or a
313 license in any related field revoked at any time or suspended
314 within the previous 5 years or has been assessed a fine that
315 exceeds \$500 within the previous 5 years. For purposes of this
316 subsection, a license in a related field includes, but is not
317 limited to, licensure in real estate, construction, mold-related
318 services, or building code administration or inspection.

319 (3)~~(4)~~ An applicant for licensure under this section must

2011396e1

320 comply with the criminal history, good moral character, and
321 insurance requirements of this part.

322 Section 11. Paragraph (d) of subsection (1) of section
323 468.841, Florida Statutes, is amended to read:

324 468.841 Exemptions.—

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

327 (d) Persons or business organizations acting within the
328 scope of the respective licenses required under part XV of
329 chapter 468, chapter 471, part I of chapter 481, chapter 482,
330 chapter 489, or part XV of this chapter, are acting on behalf of
331 an insurer under part VI of chapter 626, or are persons in the
332 manufactured housing industry who are licensed under chapter
333 320, except when any such persons or business organizations hold
334 themselves out for hire to the public as a "certified mold
335 assessor," "registered mold assessor," "licensed mold assessor,"
336 "mold assessor," "professional mold assessor," or any
337 combination thereof stating or implying licensure under this
338 part.

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

341 481.329 Exceptions; exemptions from licensure.—

342 (5) Nothing in this part prohibits any person from engaging
343 in the practice of landscape design, as defined in s.
344 481.303(7), nor submitting such plans to governmental agencies
345 for approval. Persons providing landscape design services shall
346 not use the title, term, or designation "landscape architect,"
347 "landscape architectural," "landscape architecture," "L.A.,"
348 "landscape engineering," or any description tending to convey

2011396e1

349 the impression that she or he is a landscape architect unless
350 she or he is registered as provided in this part.

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

353 489.103 Exemptions.—This part does not apply to:

354 (18) Any one-family, two-family, or three-family residence
355 constructed or rehabilitated by Habitat for Humanity
356 International, Inc., or its local affiliates. Habitat for
357 Humanity International, Inc., or its local affiliates, must:

358 (a) Obtain all necessary building permits.

359 (b) Obtain all required building code inspections.

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

362 Section 14. Subsection (3) of section 489.105, Florida
363 Statutes, is amended to read:

364 489.105 Definitions.—As used in this part:

365 (3) "Contractor" means the person who is qualified for, and
366 is ~~shall~~ only ~~be~~ responsible for, the project contracted for and
367 means, except as exempted in this part, the person who, for
368 compensation, undertakes to, submits a bid to, or does himself
369 or herself or by others construct, repair, alter, remodel, add
370 to, demolish, subtract from, or improve any building or
371 structure, including related improvements to real estate, for
372 others or for resale to others; and whose job scope is
373 substantially similar to the job scope described in one of the
374 subsequent paragraphs of this subsection. For the purposes of
375 regulation under this part, "demolish" applies only to
376 demolition of steel tanks over 50 feet in height; towers over 50
377 feet in height; other structures over 50 feet in height, other

2011396e1

378 than buildings or residences over three stories tall; and
379 buildings or residences over three stories tall. Contractors are
380 subdivided into two divisions, Division I, consisting of those
381 contractors defined in paragraphs (a)-(c), and Division II,
382 consisting of those contractors defined in paragraphs (d)-(r)
383 ~~(d)-(q)~~:

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

389 (b) "Building contractor" means a contractor whose services
390 are limited to construction of commercial buildings and single-
391 dwelling or multiple-dwelling residential buildings, which
392 ~~commercial or residential buildings~~ do not exceed three stories
393 in height, and accessory use structures in connection therewith
394 or a contractor whose services are limited to remodeling,
395 repair, or improvement of any size building if the services do
396 not affect the structural members of the building.

397 (c) "Residential contractor" means a contractor whose
398 services are limited to construction, remodeling, repair, or
399 improvement of one-family, two-family, or three-family
400 residences not exceeding two habitable stories above no more
401 than one uninhabitable story and accessory use structures in
402 connection therewith.

403 (d) "Sheet metal contractor" means a contractor whose
404 services are unlimited in the sheet metal trade and who has the
405 experience, knowledge, and skill necessary for the manufacture,
406 fabrication, assembling, handling, erection, installation,

2011396e1

407 dismantling, conditioning, adjustment, insulation, alteration,
408 repair, servicing, or design, if ~~when~~ not prohibited by law, of
409 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
410 equivalent or lighter gauge and of other materials, including,
411 but not limited to, fiberglass, used in lieu thereof and of air-
412 handling systems, including the setting of air-handling
413 equipment and reinforcement of same, the balancing of air-
414 handling systems, and any duct cleaning and equipment sanitizing
415 that ~~which~~ requires at least a partial disassembling of the
416 system.

417 (e) "Roofing contractor" means a contractor whose services
418 are unlimited in the roofing trade and who has the experience,
419 knowledge, and skill to install, maintain, repair, alter,
420 extend, or design, if ~~when~~ not prohibited by law, and use
421 materials and items used in the installation, maintenance,
422 extension, and alteration of all kinds of roofing,
423 waterproofing, and coating, except when coating is not
424 represented to protect, repair, waterproof, stop leaks, or
425 extend the life of the roof. The scope of work of a roofing
426 contractor also includes required roof-deck attachments and any
427 repair or replacement of wood roof sheathing or fascia as needed
428 during roof repair or replacement.

429 (f) "Class A air-conditioning contractor" means a
430 contractor whose services are unlimited in the execution of
431 contracts requiring the experience, knowledge, and skill to
432 install, maintain, repair, fabricate, alter, extend, or design,
433 if ~~when~~ not prohibited by law, central air-conditioning,
434 refrigeration, heating, and ventilating systems, including duct
435 work in connection with a complete system if ~~only to the extent~~

2011396e1

436 such duct work is performed by the contractor as ~~is~~ necessary to
437 ~~make~~ complete an air-distribution system, boiler and unfired
438 pressure vessel systems, and all appurtenances, apparatus, or
439 equipment used in connection therewith, and any duct cleaning
440 and equipment sanitizing that ~~which~~ requires at least a partial
441 disassembling of the system; to install, maintain, repair,
442 fabricate, alter, extend, or design, if ~~when~~ not prohibited by
443 law, piping, insulation of pipes, vessels and ducts, pressure
444 and process piping, and pneumatic control piping; to replace,
445 disconnect, or reconnect power wiring on the load side of the
446 dedicated existing electrical disconnect switch; to install,
447 disconnect, and reconnect low voltage heating, ventilating, and
448 air-conditioning control wiring; and to install a condensate
449 drain from an air-conditioning unit to an existing safe waste or
450 other approved disposal other than a direct connection to a
451 sanitary system. The scope of work for such contractor ~~shall~~
452 also includes ~~include~~ any excavation work incidental thereto,
453 but does ~~shall~~ not include any work such as liquefied petroleum
454 or natural gas fuel lines within buildings, except for
455 disconnecting or reconnecting changeouts of liquefied petroleum
456 or natural gas appliances within buildings; potable water lines
457 or connections thereto; sanitary sewer lines; swimming pool
458 piping and filters; or electrical power wiring.

459 (g) "Class B air-conditioning contractor" means a
460 contractor whose services are limited to 25 tons of cooling and
461 500,000 Btu of heating in any one system in the execution of
462 contracts requiring the experience, knowledge, and skill to
463 install, maintain, repair, fabricate, alter, extend, or design,
464 if ~~when~~ not prohibited by law, central air-conditioning,

2011396e1

465 refrigeration, heating, and ventilating systems, including duct
466 work in connection with a complete system only to the extent
467 such duct work is performed by the contractor as ~~is~~ necessary to
468 ~~make~~ complete an air-distribution system being installed under
469 this classification, and any duct cleaning and equipment
470 sanitizing that ~~which~~ requires at least a partial disassembling
471 of the system; to install, maintain, repair, fabricate, alter,
472 extend, or design, if ~~when~~ not prohibited by law, piping and
473 insulation of pipes, vessels, and ducts; to replace, disconnect,
474 or reconnect power wiring on the load side of the dedicated
475 existing electrical disconnect switch; to install, disconnect,
476 and reconnect low voltage heating, ventilating, and air-
477 conditioning control wiring; and to install a condensate drain
478 from an air-conditioning unit to an existing safe waste or other
479 approved disposal other than a direct connection to a sanitary
480 system. The scope of work for such contractor ~~shall~~ also
481 includes ~~include~~ any excavation work incidental thereto, but
482 does ~~shall~~ not include any work such as liquefied petroleum or
483 natural gas fuel lines within buildings, except for
484 disconnecting or reconnecting changeouts of liquefied petroleum
485 or natural gas appliances within buildings; potable water lines
486 or connections thereto; sanitary sewer lines; swimming pool
487 piping and filters; or electrical power wiring.

488 (h) "Class C air-conditioning contractor" means a
489 contractor whose business is limited to the servicing of air-
490 conditioning, heating, or refrigeration systems, including any
491 duct cleaning and equipment sanitizing that ~~which~~ requires at
492 least a partial disassembling of the system, and whose
493 certification or registration, issued pursuant to this part, was

2011396e1

494 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~
495 ~~previously~~ registered or certified as a Class C air-conditioning
496 contractor as of October 1, 1988, shall be so registered or
497 certified after October 1, 1988. However, the board shall
498 continue to license and regulate those Class C air-conditioning
499 contractors who held Class C licenses before ~~prior to~~ October 1,
500 1988.

501 (i) "Mechanical contractor" means a contractor whose
502 services are unlimited in the execution of contracts requiring
503 the experience, knowledge, and skill to install, maintain,
504 repair, fabricate, alter, extend, or design, if ~~when~~ not
505 prohibited by law, central air-conditioning, refrigeration,
506 heating, and ventilating systems, including duct work in
507 connection with a complete system if ~~only to the extent~~ such
508 duct work is performed by the contractor as ~~is~~ necessary to ~~make~~
509 complete an air-distribution system, boiler and unfired pressure
510 vessel systems, lift station equipment and piping, and all
511 appurtenances, apparatus, or equipment used in connection
512 therewith, and any duct cleaning and equipment sanitizing that
513 ~~which~~ requires at least a partial disassembling of the system;
514 to install, maintain, repair, fabricate, alter, extend, or
515 design, if ~~when~~ not prohibited by law, piping, insulation of
516 pipes, vessels and ducts, pressure and process piping, pneumatic
517 control piping, gasoline tanks and pump installations and piping
518 for same, standpipes, air piping, vacuum line piping, oxygen
519 lines, nitrous oxide piping, ink and chemical lines, fuel
520 transmission lines, liquefied petroleum gas lines within
521 buildings, and natural gas fuel lines within buildings; to
522 replace, disconnect, or reconnect power wiring on the load side

2011396e1

523 of the dedicated existing electrical disconnect switch; to
524 install, disconnect, and reconnect low voltage heating,
525 ventilating, and air-conditioning control wiring; and to install
526 a condensate drain from an air-conditioning unit to an existing
527 safe waste or other approved disposal other than a direct
528 connection to a sanitary system. The scope of work for such
529 contractor ~~shall~~ also includes ~~include~~ any excavation work
530 incidental thereto, but does ~~shall~~ not include any work such as
531 potable water lines or connections thereto, sanitary sewer
532 lines, swimming pool piping and filters, or electrical power
533 wiring.

534 (j) "Commercial pool/spa contractor" means a contractor
535 whose scope of work involves, but is not limited to, the
536 construction, repair, and servicing of any swimming pool, or hot
537 tub or spa, whether public, private, or otherwise, regardless of
538 use. The scope of work includes the installation, repair, or
539 replacement of existing equipment, any cleaning or equipment
540 sanitizing that ~~which~~ requires at least a partial disassembling,
541 excluding filter changes, and the installation of new pool/spa
542 equipment, interior finishes, the installation of package pool
543 heaters, the installation of all perimeter piping and filter
544 piping, and the construction of equipment rooms or housing for
545 pool/spa equipment, and also includes the scope of work of a
546 swimming pool/spa servicing contractor. The scope of such work
547 does not include direct connections to a sanitary sewer system
548 or to potable water lines. The installation, construction,
549 modification, or replacement of equipment permanently attached
550 to and associated with the pool or spa for the purpose of water
551 treatment or cleaning of the pool or spa requires licensure;

2011396e1

552 however, the usage of such equipment for the purposes of water
553 treatment or cleaning does ~~shall~~ not require licensure unless
554 the usage involves construction, modification, or replacement of
555 such equipment. Water treatment that does not require such
556 equipment does not require a license. In addition, a license is
557 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a
558 ~~any~~ way that does not affect the structural integrity of the
559 pool or spa or its associated equipment.

560 (k) "Residential pool/spa contractor" means a contractor
561 whose scope of work involves, but is not limited to, the
562 construction, repair, and servicing of a ~~any~~ residential
563 swimming pool, or hot tub or spa, regardless of use. The scope
564 of work includes the installation, repair, or replacement of
565 existing equipment, any cleaning or equipment sanitizing that
566 ~~which~~ requires at least a partial disassembling, excluding
567 filter changes, and the installation of new pool/spa equipment,
568 interior finishes, the installation of package pool heaters, the
569 installation of all perimeter piping and filter piping, and the
570 construction of equipment rooms or housing for pool/spa
571 equipment, and also includes the scope of work of a swimming
572 pool/spa servicing contractor. The scope of such work does not
573 include direct connections to a sanitary sewer system or to
574 potable water lines. The installation, construction,
575 modification, or replacement of equipment permanently attached
576 to and associated with the pool or spa for the purpose of water
577 treatment or cleaning of the pool or spa requires licensure;
578 however, the usage of such equipment for the purposes of water
579 treatment or cleaning does ~~shall~~ not require licensure unless
580 the usage involves construction, modification, or replacement of

2011396e1

581 such equipment. Water treatment that does not require such
582 equipment does not require a license. In addition, a license is
583 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a
584 ~~any~~ way that does not affect the structural integrity of the
585 pool or spa or its associated equipment.

586 (1) "Swimming pool/spa servicing contractor" means a
587 contractor whose scope of work involves, but is not limited to,
588 the repair and servicing of a ~~any~~ swimming pool, or hot tub or
589 spa, whether public or private, or otherwise, regardless of use.
590 The scope of work includes the repair or replacement of existing
591 equipment, any cleaning or equipment sanitizing that ~~which~~
592 requires at least a partial disassembling, excluding filter
593 changes, and the installation of new pool/spa equipment,
594 interior refinishing, the reinstallation or addition of pool
595 heaters, the repair or replacement of all perimeter piping and
596 filter piping, the repair of equipment rooms or housing for
597 pool/spa equipment, and the substantial or complete draining of
598 a swimming pool, or hot tub or spa, for the purpose of ~~any~~
599 repair or renovation. The scope of such work does not include
600 direct connections to a sanitary sewer system or to potable
601 water lines. The installation, construction, modification,
602 substantial or complete disassembly, or replacement of equipment
603 permanently attached to and associated with the pool or spa for
604 the purpose of water treatment or cleaning of the pool or spa
605 requires licensure; however, the usage of such equipment for the
606 purposes of water treatment or cleaning does ~~shall~~ not require
607 licensure unless the usage involves construction, modification,
608 substantial or complete disassembly, or replacement of such
609 equipment. Water treatment that does not require such equipment

2011396e1

610 does not require a license. In addition, a license is ~~shall~~ not
611 ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way
612 that does not affect the structural integrity of the pool or spa
613 or its associated equipment.

614 (m) "Plumbing contractor" means a contractor whose
615 contracting business consists of the execution of contracts
616 requiring the experience, financial means, knowledge, and skill
617 to install, maintain, repair, alter, extend, or, if ~~when~~ not
618 prohibited by law, design plumbing. A plumbing contractor may
619 install, maintain, repair, alter, extend, or, if ~~when~~ not
620 prohibited by law, design the following without obtaining an ~~any~~
621 additional local regulatory license, certificate, or
622 registration: sanitary drainage or storm drainage facilities;
623 venting systems; public or private water supply systems; septic
624 tanks; drainage and supply wells; swimming pool piping;
625 irrigation systems; or solar heating water systems and all
626 appurtenances, apparatus, or equipment used in connection
627 therewith, including boilers and pressure process piping and
628 including the installation of water, natural gas, liquefied
629 petroleum gas and related venting, and storm and sanitary sewer
630 lines; and water and sewer plants and substations. The scope of
631 work of the plumbing contractor also includes the design, if
632 ~~when~~ not prohibited by law, and installation, maintenance,
633 repair, alteration, or extension of air-piping, vacuum line
634 piping, oxygen line piping, nitrous oxide piping, and all
635 related medical gas systems; fire line standpipes and fire
636 sprinklers if ~~to the extent~~ authorized by law; ink and chemical
637 lines; fuel oil and gasoline piping and tank and pump
638 installation, except bulk storage plants; and pneumatic control

2011396e1

639 piping systems, all in ~~such~~ a manner that complies ~~as to comply~~
640 with all plans, specifications, codes, laws, and regulations
641 applicable. The scope of work of the plumbing contractor applies
642 ~~shall apply~~ to private property and public property, including
643 ~~shall include~~ any excavation work incidental thereto, and
644 includes ~~shall include~~ the work of the specialty plumbing
645 contractor. Such contractor shall subcontract, with a qualified
646 contractor in the field concerned, all other work incidental to
647 the work but which is specified ~~herein~~ as being the work of a
648 trade other than that of a plumbing contractor. ~~Nothing in~~ This
649 definition does not ~~shall be construed to~~ limit the scope of
650 work of any specialty contractor certified pursuant to s.
651 489.113(6), and does not. ~~Nothing in this definition shall be~~
652 ~~construed to~~ require certification or registration under this
653 part of any authorized employee of a public natural gas utility
654 or of a private natural gas utility regulated by the Public
655 Service Commission when disconnecting and reconnecting water
656 lines in the servicing or replacement of an existing water
657 heater.

658 (n) "Underground utility and excavation contractor" means a
659 contractor whose services are limited to the construction,
660 installation, and repair, on public or private property, whether
661 accomplished through open excavations or through other means,
662 including, but not limited to, directional drilling, auger
663 boring, jacking and boring, trenchless technologies, wet and dry
664 taps, grouting, and slip lining, of main sanitary sewer
665 collection systems, main water distribution systems, storm sewer
666 collection systems, and the continuation of utility lines from
667 the main systems to a point of termination up to and including

2011396e1

668 the meter location for the individual occupancy, sewer
669 collection systems at property line on residential or single-
670 occupancy commercial properties, or on multioccupancy properties
671 at manhole or wye lateral extended to an invert elevation as
672 engineered to accommodate future building sewers, water
673 distribution systems, or storm sewer collection systems at storm
674 sewer structures. However, an underground utility and excavation
675 contractor may install empty underground conduits in rights-of-
676 way, easements, platted rights-of-way in new site development,
677 and sleeves for parking lot crossings no smaller than 2 inches
678 in diameter if, ~~provided that~~ each conduit system installed is
679 designed by a licensed professional engineer or an authorized
680 employee of a municipality, county, or public utility and ~~that~~
681 the installation of ~~any~~ such conduit does not include
682 installation of any conductor wiring or connection to an
683 energized electrical system. An underground utility and
684 excavation contractor may ~~shall~~ not install ~~any~~ piping that is
685 an integral part of a fire protection system as defined in s.
686 633.021 beginning at the point where the piping is used
687 exclusively for such system.

688 (o) "Solar contractor" means a contractor whose services
689 consist of the installation, alteration, repair, maintenance,
690 relocation, or replacement of solar panels for potable solar
691 water heating systems, swimming pool solar heating systems, and
692 photovoltaic systems and any appurtenances, apparatus, or
693 equipment used in connection therewith, whether public, private,
694 or otherwise, regardless of use. A contractor, certified or
695 registered pursuant to ~~the provisions of~~ this chapter, is not
696 required to become a certified or registered solar contractor or

2011396e1

697 to contract with a solar contractor in order to provide ~~any~~
698 services enumerated in this paragraph that are within the scope
699 of the services such contractors may render under this part.

700 (p) "Pollutant storage systems contractor" means a
701 contractor whose services are limited to, and who has the
702 experience, knowledge, and skill to install, maintain, repair,
703 alter, extend, or design, if ~~when~~ not prohibited by law, and use
704 materials and items used in the installation, maintenance,
705 extension, and alteration of, pollutant storage tanks. Any
706 person installing a pollutant storage tank shall perform such
707 installation in accordance with the standards adopted pursuant
708 to s. 376.303.

709 (q) "Glass and glazing contractor" means a contractor whose
710 services are unlimited in the execution of contracts requiring
711 the experience, knowledge, and skill to install, attach,
712 maintain, repair, fabricate, alter, extend, or design, in
713 residential and commercial applications without any height
714 restrictions, all types of windows, glass, and mirrors, whether
715 fixed or movable; swinging or sliding glass doors attached to
716 existing walls, floors, columns, or other structural members of
717 the building; glass holding or supporting mullions or horizontal
718 bars; structurally anchored impact-resistant opening protection
719 attached to existing building walls, floors, columns, or other
720 structural members of the building; prefabricated glass, metal,
721 or plastic curtain walls; storefront frames or panels; shower
722 and tub enclosures; metal fascias; and caulking incidental to
723 such work and assembly.

724 (r) ~~(q)~~ "Specialty contractor" means a contractor whose
725 scope of work and responsibility is limited to a particular

2011396e1

726 phase of construction established in a category adopted by board
727 rule and whose scope is limited to a subset of the activities
728 described in one of the paragraphs of this subsection.

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

731 489.107 Construction Industry Licensing Board.—

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

734 (b) Division II is comprised of the roofing contractor,
735 sheet metal contractor, air-conditioning contractor, mechanical
736 contractor, pool contractor, plumbing contractor, and
737 underground utility and excavation contractor members of the
738 board; one of the members appointed pursuant to paragraph
739 (2) (j); and one of the members appointed pursuant to paragraph
740 (2) (k). Division II has jurisdiction over the regulation of
741 contractors defined in s. 489.105(3) (d) - (q) ~~489.105(3) (d) - (p)~~.

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

746 Section 16. Paragraph (g) of subsection (2) of section
747 489.141, Florida Statutes, is amended to read:

748 489.141 Conditions for recovery; eligibility.—

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

751 (g) The claimant has contracted with a licensee to perform
752 a scope of work described in s. 489.105(3) (d) - (r) ~~489.105(3) (d) -~~
753 ~~(g)~~.

754 Section 17. Subsection (1) of section 514.028, Florida

2011396e1

755 Statutes, is amended to read:

756 514.028 Advisory review board.—

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

762 (a) A representative from the office of licensure and
763 certification of the department.

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

765 (c) Three representatives from the swimming pool
766 construction industry.

767 (d) A representative ~~Two representatives~~ from the public
768 lodging industry.

769 (e) A representative from a county or local building
770 department.

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

773 527.06 Rules.—

774 (3) (a) Rules in substantial conformity with the published
775 standards of the National Fire Protection Association (NFPA) are
776 ~~shall be~~ deemed to be in substantial conformity with the
777 generally accepted standards of safety concerning the same
778 subject matter.

779 (b) Notwithstanding any other law, the department or other
780 state agency may not require compliance with the minimum
781 separation distances of NFPA 58 for separation between a
782 liquefied petroleum gas tank and a building, adjoining property
783 line, other liquefied petroleum gas tank, or any source of

2011396e1

784 ignition, except in compliance with the minimum separation
785 distances of the 2011 edition of NFPA 58.

786 (c) If the department, the Florida Building Commission as
787 part of the Florida Building Code, and the Office of the State
788 Fire Marshal as part of the Florida Fire Prevention Code each
789 adopt the minimum separation distances of the 2011 edition of
790 NFPA 58 as rules, whether adopted by setting out the minimum
791 separation distances in the text of the rules or through
792 incorporation by reference, this subsection is repealed on the
793 last effective date of such rules.

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

796 527.21 Definitions relating to Florida Propane Gas
797 Education, Safety, and Research Act.—As used in ss. 527.20-
798 527.23, the term:

799 (11) "Propane" includes propane, butane, mixtures, and
800 liquefied petroleum gas as defined by ~~the~~ National Fire
801 Protection Association (NFPA) Standard 58, For The Storage and
802 Handling of Liquefied Petroleum Gas Code Gases.

803 Section 20. Section 553.502, Florida Statutes, is amended
804 to read:

805 553.502 Intent.—The purpose and intent of this part ~~ss.~~
806 ~~553.501-553.513~~ is to incorporate into the law of this state the
807 accessibility requirements of the Americans with Disabilities
808 Act of 1990, as amended ~~Pub. L. No. 101-336~~, 42 U.S.C. ss. 12101
809 et seq., and to obtain and maintain United States Department of
810 Justice certification of the Florida Accessibility Code for
811 Building Construction as equivalent to federal standards for
812 accessibility of buildings, structures, and facilities. All

2011396e1

813 state laws, rules, standards, and codes governing facilities
814 covered by the Americans with Disabilities Act Standards for
815 Accessible Design ~~guidelines~~ shall be maintained to assure
816 certification of the state's construction standards and codes.
817 This part ~~Nothing in ss. 553.501-553.513~~ is not intended to
818 expand or diminish the defenses available to a place of public
819 accommodation or a commercial facility under the Americans with
820 Disabilities Act and the standards ~~federal Americans with~~
821 ~~Disabilities Act Accessibility Guidelines~~, including, but not
822 limited to, the readily achievable standard, and the standards
823 applicable to alterations to private buildings or facilities as
824 defined by the standards ~~places of public accommodation~~.

825 Section 21. Section 553.503, Florida Statutes, is amended
826 to read:

827 553.503 Adoption of federal standards ~~guidelines~~.—Subject
828 to modifications under this part ~~the exceptions in s. 553.504~~,
829 the federal Americans with Disabilities Act Standards for
830 Accessible Design ~~Accessibility Guidelines~~, and related
831 regulations provided as adopted by reference in 28 C.F.R., parts
832 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and
833 ~~Title II of Pub. L. No. 101-336~~, are hereby adopted and
834 incorporated by reference as the law of this state and shall be
835 incorporated into. ~~The guidelines shall establish the minimum~~
836 ~~standards for the accessibility of buildings and facilities~~
837 ~~built or altered within this state.~~ the 1997 Florida
838 Accessibility Code for Building Construction and ~~must be~~ adopted
839 by the Florida Building Commission in accordance with chapter
840 120.

841 Section 22. Section 553.504, Florida Statutes, is amended

2011396e1

842 to read:

843 553.504 Exceptions to applicability of the federal
844 standards ~~guidelines~~.—Notwithstanding the adoption of the
845 Americans with Disabilities Act Standards for Accessible Design
846 pursuant to ~~Accessibility Guidelines~~ in s. 553.503, all
847 buildings, structures, and facilities in this state must ~~shall~~
848 meet the following additional requirements if such requirements
849 ~~when they~~ provide increased accessibility:

850 (1) All new or altered public buildings and facilities,
851 private buildings and facilities, places of public
852 accommodation, and commercial facilities, as those terms are
853 defined by the standards, subject to this part ~~ss. 553.501-~~
854 ~~553.513~~ which may be frequented in, lived in, or worked in by
855 the public must ~~shall~~ comply with this part ~~ss. 553.501-553.513~~.

856 (2) All new single-family houses, duplexes, triplexes,
857 condominiums, and townhouses shall provide at least one
858 bathroom, located with maximum possible privacy, where bathrooms
859 are provided on habitable grade levels, with a door that has a
860 29-inch clear opening. However, if only a toilet room is
861 provided at grade level, such toilet room must ~~shall~~ have a
862 clear opening of at least ~~not less than~~ 29 inches.

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

868 ~~(4) In addition to the requirements in reference 4.8.4 of~~
869 ~~the guidelines, all landings on ramps shall be not less than 60~~
870 ~~inches clear, and the bottom of each ramp shall have not less~~

2011396e1

871 ~~than 72 inches of straight and level clearance.~~

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

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

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

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

887 ~~(3)~~(6) Notwithstanding the requirements in s. 404.2.9
888 ~~reference 4.13.11 of the standards guidelines, exterior hinged~~
889 ~~doors must shall be ~~so~~ designed so that such doors can be pushed~~
890 ~~or pulled open with a force not exceeding 8.5 foot pounds.~~

891 ~~(7) Notwithstanding the requirements in reference 4.33.1 of~~
892 ~~the guidelines, all public food service establishments, all~~
893 ~~establishments licensed under the Beverage Law for consumption~~
894 ~~on the premises, and all facilities governed by reference 4.1 of~~
895 ~~the guidelines shall provide seating or spaces for seating in~~
896 ~~accordance with the following requirements:~~

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

899

2011396e1

Capacity of Seating	Number of Required
In Assembly Areas	Wheelchair Locations

900	1 to 25.....	1
901	26 to 50.....	2
902	51 to 100.....	4

903

904 ~~(b) For all remaining fixed seats, there shall be not less~~

905 ~~than one such accessible and usable space for each 100 fixed~~

906 ~~seats or fraction thereof.~~

907 ~~(8) Notwithstanding the requirements in references 4.32.1-~~

908 ~~4.32.4 of the guidelines, all fixed seating in public food~~

909 ~~service establishments, in establishments licensed under the~~

910 ~~Beverage Law for consumption on the premises, and in all other~~

911 ~~facilities governed by reference 4.1 of the guidelines shall be~~

912 ~~designed and constructed in accordance with the following~~

913 ~~requirements:~~

914 ~~(a) All aisles adjacent to fixed seating shall provide~~

915 ~~clear space for wheelchairs.~~

916 ~~(b) Where there are open positions along both sides of such~~

917 ~~aisles, the aisles shall be not less than 52 inches wide.~~

918 ~~(4)-(9)~~ In motels and hotels a number of rooms equaling at

919 least 5 percent of the guest rooms minus the number of

920 accessible rooms required by the standards ~~guidelines~~ shall

921 provide the following special accessibility features:

922 (a) Grab rails in bathrooms and toilet rooms that comply

923 with s. 604.5 ~~4.16.4~~ of the standards ~~guidelines~~.

2011396e1

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

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

933
934 All buildings, structures, or facilities licensed as a hotel,
935 motel, or condominium pursuant to chapter 509 are ~~shall be~~
936 subject to ~~the provisions of~~ this subsection. This subsection
937 does not relieve ~~Nothing in this subsection shall be construed~~
938 ~~as relieving~~ the owner of the responsibility of providing
939 accessible rooms in conformance with ss. 224 and 806 of the
940 standards 9.1-9.5 of the guidelines.

941 ~~(10) Notwithstanding the requirements in reference 4.29.2~~
942 ~~of the guidelines, all detectable warning surfaces required by~~
943 ~~the guidelines shall be governed by the requirements of American~~
944 ~~National Standards Institute A117.1-1986.~~

945 ~~(11) Notwithstanding the requirements in references 4.31.2~~
946 ~~and 4.31.3 of the guidelines, the installation and placement of~~
947 ~~all public telephones shall be governed by the rules of the~~
948 ~~Florida Public Service Commission.~~

949 (5) ~~(12)~~ Notwithstanding ss. 213 and 604 of the standards
950 ~~the requirements in references 4.1.3(11) and 4.16-4.23 of the~~
951 ~~guidelines, required~~ bathing rooms ~~restrooms~~ and toilet rooms in
952 new construction shall be designed and constructed in accordance

2011396e1

953 with the following requirements:

954 (a) The wheelchair-accessible standard accessible toilet
955 compartment must ~~restroom stall shall~~ contain an accessible
956 lavatory within it, which must be at least ~~the size of such~~
957 ~~lavatory to be not less than~~ 19 inches wide by 17 inches deep,
958 nominal size, and wall-mounted. The lavatory shall be mounted so
959 as not to overlap the clear floor space areas required by s. 604
960 of the standards 4.17 figure 30(a) of the guidelines for the
961 wheelchair-accessible standard accessible toilet compartment
962 ~~stall~~ and must ~~to~~ comply with s. 606 of the standards 4.19 of
963 ~~the guidelines~~. Such lavatories shall be counted as part of the
964 required fixture count for the building.

965 (b) The accessible water closet within the wheelchair-
966 accessible toilet compartment must ~~shall~~ be located in the
967 corner, diagonal to the door.

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

969 ~~(13) All customer checkout aisles not required by the~~
970 ~~guidelines to be handicapped accessible shall have at least 32~~
971 ~~inches of clear passage.~~

972 ~~(14) Turnstiles shall not be used in occupancies which~~
973 ~~serve fewer than 100 persons, but turnstiles may be used in~~
974 ~~occupancies which serve at least 100 persons if there is an~~
975 ~~unlocked alternate passageway on an accessible route affording~~
976 ~~not less than 32 inches of clearance, equipped with latching~~
977 ~~devices in accordance with the guidelines.~~

978 ~~(15)~~ (6) Barriers at common or emergency entrances and exits
979 of business establishments conducting business with the general
980 public that are existing, under construction, or under contract
981 for construction which would prevent a person from using such

2011396e1

982 entrances or exits must ~~shall~~ be removed.

983 Section 23. Section 553.5041, Florida Statutes, is amended
984 to read:

985 553.5041 Parking spaces for persons who have disabilities.—

986 (1) This section is not intended to expand or diminish the
987 defenses available to a place of public accommodation under the
988 Americans with Disabilities Act and the federal Americans with
989 Disabilities Act Standards for Accessible Design Accessibility
990 Guidelines, including, but not limited to, the readily
991 achievable standard, and the standards applicable to alterations
992 to places of public accommodation and commercial facilities.
993 Subject to the exceptions described in subsections (2), (4),
994 (5), and (6), if when the parking and loading zone requirements
995 of the federal standards and related regulations ~~Americans with~~
996 ~~Disabilities Act Accessibility Guidelines (ADAAG)~~, as adopted by
997 ~~reference in 28 C.F.R. part 36, subparts A and D, and Title II~~
998 ~~of Pub. L. No. 101-336~~, provide increased accessibility, those
999 requirements are adopted and incorporated by reference as the
1000 law of this state.

1001 (2) State agencies and political subdivisions having
1002 jurisdiction over street parking or publicly owned or operated
1003 parking facilities are not required to provide a greater right-
1004 of-way width than would otherwise be planned under regulations,
1005 guidelines, or practices normally applied to new development.

1006 (3) Designated accessible ~~If parking spaces are provided~~
1007 ~~for self-parking by employees or visitors, or both, accessible~~
1008 ~~spaces shall be provided in each such parking area. Such spaces~~
1009 shall be designed and marked for the exclusive use of ~~those~~
1010 individuals who have a severe physical disability and have

2011396e1

1011 permanent or temporary mobility problems that substantially
1012 impair their ability to ambulate and who have been issued ~~either~~
1013 a disabled parking permit under s. 316.1958 or s. 320.0848 or a
1014 license plate under s. 320.084, s. 320.0842, s. 320.0843, or s.
1015 320.0845.

1016 (4) The number of accessible parking spaces must comply
1017 with the parking requirements in ~~ADAAG~~ s. 208 of the standards
1018 ~~4.1~~ and the following:

1019 (a) There must be one accessible parking space in the
1020 immediate vicinity of a publicly owned or leased building that
1021 houses a governmental entity or a political subdivision,
1022 including, but not limited to, state office buildings and
1023 courthouses, if ~~no~~ parking for the public is not provided on the
1024 premises of the building.

1025 (b) There must be one accessible parking space for each 150
1026 metered on-street parking spaces provided by state agencies and
1027 political subdivisions.

1028 (c) The number of parking spaces for persons who have
1029 disabilities must be increased on the basis of demonstrated and
1030 documented need.

1031 (5) Accessible perpendicular and diagonal accessible
1032 parking spaces and loading zones must be designed and located to
1033 conform to ~~in conformance with the guidelines set forth in ADAAG~~
1034 ~~ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s.~~
1035 ~~A4.6.3 "Universal Parking Design."~~

1036 (a) All spaces must be located on an accessible route that
1037 is at least ~~no less than~~ 44 inches wide so that users are will
1038 not be compelled to walk or wheel behind parked vehicles except
1039 behind his or her own vehicle.

2011396e1

1040 (b) ~~Each space must be located on the shortest safely~~
1041 ~~accessible route from the parking space to an accessible~~
1042 ~~entrance.~~ If there are multiple entrances or multiple retail
1043 stores, the parking spaces must be dispersed to provide parking
1044 at the nearest accessible entrance. If a theme park or an
1045 entertainment complex as defined in s. 509.013(9) provides
1046 parking in several lots or areas from which access to the theme
1047 park or entertainment complex is provided, a single lot or area
1048 may be designated for parking by persons who have disabilities,
1049 if the lot or area is located on the shortest ~~safely~~ accessible
1050 route to an accessible entrance to the theme park or
1051 entertainment complex or to transportation to such an accessible
1052 entrance.

1053 (c)1. Each parking space must be at least ~~no less than~~ 12
1054 feet wide. Parking access aisles must be at least ~~no less than~~ 5
1055 feet wide and must be part of an accessible route to the
1056 building or facility entrance. ~~In accordance with ADAAG s.~~
1057 ~~4.6.3, access aisles must be placed adjacent to accessible~~
1058 ~~parking spaces; however, two accessible parking spaces may share~~
1059 ~~a common access aisle.~~ The access aisle must be striped
1060 diagonally to designate it as a no-parking zone.

1061 2. The parking access aisles are reserved for the temporary
1062 exclusive use of persons who have disabled parking permits and
1063 who require extra space to deploy a mobility device, lift, or
1064 ramp in order to exit from or enter a vehicle. Parking is not
1065 allowed in an access aisle. Violators are subject to the same
1066 penalties ~~that are~~ imposed for illegally parking in parking
1067 spaces that are designated for persons who have disabilities. A
1068 vehicle may not be parked in an access aisle, even if the

2011396e1

1069 vehicle owner or passenger is disabled or owns a disabled
1070 parking permit.

1071 3. Notwithstanding any other provision of this subsection
1072 ~~to the contrary notwithstanding~~, a theme park or an
1073 entertainment complex as defined in s. 509.013(9) in which ~~are~~
1074 ~~provided~~ continuous attendant services are provided for
1075 directing individuals to marked accessible parking spaces or
1076 designated lots for parking by persons who have disabilities,
1077 may, in lieu of the required parking space design, provide
1078 parking spaces that comply with ~~ADAAG~~ ss. 208 and 502 of the
1079 standards 4.1 and 4.6.

1080 (d) On-street parallel parking spaces ~~must be located~~
1081 ~~either at the beginning or end of a block or adjacent to alley~~
1082 ~~entrances. Such spaces must be designed to conform to in~~
1083 ~~conformance with the guidelines set forth in ADAAG ss. 208 and~~
1084 ~~502 of the standards, except that 4.6.2 through 4.6.5,~~
1085 ~~exception:~~ access aisles are not required. Curbs adjacent to
1086 such spaces must be of a height that does ~~will~~ not interfere
1087 with the opening and closing of motor vehicle doors. This
1088 subsection does not relieve the owner of the responsibility to
1089 comply with the parking requirements of ~~ADAAG~~ ss. 208 and 502 of
1090 the standards 4.1 and 4.6.

1091 ~~(e) Parallel parking spaces must be even with surface~~
1092 ~~slopes, may match the grade of the adjacent travel lane, and~~
1093 ~~must not exceed a cross slope of 1 to 50, where feasible.~~

1094 ~~(f) Curb ramps must be located outside of the disabled~~
1095 ~~parking spaces and access aisles.~~

1096 (e)-(g)1. The removal of architectural barriers from a
1097 parking facility in accordance with 28 C.F.R. s. 36.304 or with

2011396e1

1098 s. 553.508 must comply with this section unless compliance would
1099 cause the barrier removal not to be readily achievable. If
1100 compliance would cause the barrier removal not to be readily
1101 achievable, a facility may provide parking spaces at alternative
1102 locations for persons who have disabilities and provide
1103 appropriate signage directing such persons ~~who have disabilities~~
1104 to the alternative parking if readily achievable. The facility
1105 may not reduce the required number or dimensions of those spaces
1106 ~~or, nor may it~~ unreasonably increase the length of the
1107 accessible route from a parking space to the facility. The
1108 removal of an architectural barrier must not create a
1109 significant risk to the health or safety of a person who has a
1110 disability or to ~~that of~~ others.

1111 2. A facility that is making alterations under s.
1112 553.507(2) (b) must comply with this section to the maximum
1113 extent feasible. If compliance with parking location
1114 requirements is not feasible, the facility may provide parking
1115 spaces at alternative locations for persons who have
1116 disabilities and provide appropriate signage directing such
1117 persons ~~who have a disability~~ to alternative parking. The
1118 facility may not reduce the required number or dimensions of
1119 those spaces, ~~or, nor may it~~ unnecessarily increase the length of
1120 the accessible route from a parking space to the facility. The
1121 alteration must not create a significant risk to the health or
1122 safety of a person who has a disability or to ~~that of~~ others.

1123 (6) Each such parking space must be striped in a manner
1124 that is consistent with the standards of the controlling
1125 jurisdiction for other spaces and prominently outlined with blue
1126 paint, and must be repainted when necessary, to be clearly

2011396e1

1127 distinguishable as a parking space designated for persons who
1128 have disabilities. The space ~~and~~ must be posted with a permanent
1129 above-grade sign of a color and design approved by the
1130 Department of Transportation, which is placed on or at least 60
1131 inches above the finished floor or ground surface measured to
1132 the bottom of the sign ~~a distance of 84 inches above the ground~~
1133 ~~to the bottom of the sign~~ and which bears the international
1134 symbol of accessibility meeting the requirements of ~~ADAAG~~ s.
1135 703.7.2.1 of the standards 4.30.7 and the caption "PARKING BY
1136 DISABLED PERMIT ONLY." Such a sign erected after October 1,
1137 1996, must indicate the penalty for illegal use of the space.
1138 Notwithstanding any other provision of this section ~~to the~~
1139 ~~contrary notwithstanding~~, in a theme park or an entertainment
1140 complex as defined in s. 509.013~~(9)~~ in which accessible parking
1141 is located in designated lots or areas, the signage indicating
1142 the lot as reserved for accessible parking may be located at the
1143 entrances to the lot in lieu of a sign at each parking place.
1144 This subsection does not relieve the owner of the responsibility
1145 of complying with the signage requirements of ~~ADAAG~~ s. 502.6 of
1146 the standards 4.30.

1147 Section 24. Section 553.505, Florida Statutes, is amended
1148 to read:

1149 553.505 Exceptions to applicability of the Americans with
1150 Disabilities Act.—Notwithstanding the Americans with
1151 Disabilities Act of 1990, private clubs are governed by this
1152 part ~~ss. 553.501-553.513. Parking spaces, parking lots, and~~
1153 ~~other parking facilities are governed by s. 553.5041 when that~~
1154 ~~section provides increased accessibility.~~

1155 Section 25. Section 553.506, Florida Statutes, is amended

2011396e1

1156 to read:

1157 553.506 Powers of the commission.—In addition to any other
1158 authority vested in the Florida Building Commission by law, the
1159 commission, in implementing this part ss. 553.501-553.513, may,
1160 by rule, adopt revised and updated versions of the Americans
1161 with Disabilities Act Standards for Accessible Design
1162 Accessibility Guidelines in accordance with chapter 120.

1163 Section 26. Section 553.507, Florida Statutes, is amended
1164 to read:

1165 553.507 Applicability Exemptions.—This part applies to
1166 Sections 553.501-553.513 do not apply to any of the following:

1167 (1) All areas of newly designed and newly constructed
1168 buildings and facilities as determined by the federal standards
1169 established and adopted pursuant to s. 553.503. Buildings,
1170 structures, or facilities that were either under construction or
1171 under contract for construction on October 1, 1997.

1172 (2) Portions of altered buildings and facilities as
1173 determined by the federal standards established and adopted
1174 pursuant to s. 553.503. Buildings, structures, or facilities
1175 that were in existence on October 1, 1997, unless:

1176 (a) The building, structure, or facility is being converted
1177 from residential to nonresidential or mixed use, as defined by
1178 local law;

1179 (b) The proposed alteration or renovation of the building,
1180 structure, or facility will affect usability or accessibility to
1181 a degree that invokes the requirements of s. 303(a) of the
1182 Americans with Disabilities Act of 1990; or

1183 (c) The original construction or any former alteration or
1184 renovation of the building, structure, or facility was carried

2011396e1

1185 ~~out in violation of applicable permitting law.~~

1186 (3) A building or facility that is being converted from
1187 residential to nonresidential or mixed use as defined by the
1188 Florida Building Code. Such building or facility must, at a
1189 minimum, comply with s. 553.508 and the requirements for
1190 alternations as determined by the federal standards established
1191 and adopted pursuant to s. 553.503.

1192 (4) Buildings and facilities where the original
1193 construction or any former alternation or renovation was carried
1194 out in violation of applicable permitting law.

1195 Section 27. Section 553.509, Florida Statutes, is amended
1196 to read:

1197 553.509 Vertical accessibility.—

1198 (1) This part and the Americans with Disabilities Act
1199 Standards for Accessible Design do not ~~Nothing in ss. 553.501-~~
1200 ~~553.513 or the guidelines shall be construed to~~ relieve the
1201 owner of any building, structure, or facility governed by this
1202 ~~part these sections~~ from the duty to provide vertical
1203 accessibility to all levels above and below the occupiable grade
1204 level, regardless of whether the standards ~~guidelines~~ require an
1205 elevator to be installed in such building, structure, or
1206 facility, except for:

1207 (a) Elevator pits, elevator penthouses, mechanical rooms,
1208 piping or equipment catwalks, and automobile lubrication and
1209 maintenance pits and platforms. ~~;~~

1210 (b) Unoccupiable spaces, such as rooms, enclosed spaces,
1211 and storage spaces that are not designed for human occupancy,
1212 for public accommodations, or for work areas. ~~;~~ ~~and~~

1213 (c) Occupiable spaces and rooms that are not open to the

2011396e1

1214 public and that house no more than five persons, including, but
1215 not limited to, equipment control rooms and projection booths.

1216 (d) Theaters, concert halls, and stadiums, or other large
1217 assembly areas that have stadium-style seating or tiered seating
1218 if ss. 221 and 802 of the standards are met.

1219 (e) All play and recreation areas if the requirements of
1220 chapter 10 of the standards are met.

1221 (f) All employee areas as exempted in s. 203.9 of the
1222 standards.

1223 (g) Facilities, sites, and spaces exempted by s. 203 of the
1224 standards.

1225 ~~(2)(a) Any person, firm, or corporation that owns, manages,~~
1226 ~~or operates a residential multifamily dwelling, including a~~
1227 ~~condominium, that is at least 75 feet high and contains a public~~
1228 ~~elevator, as described in s. 399.035(2) and (3) and rules~~
1229 ~~adopted by the Florida Building Commission, shall have at least~~
1230 ~~one public elevator that is capable of operating on an alternate~~
1231 ~~power source for emergency purposes. Alternate power shall be~~
1232 ~~available for the purpose of allowing all residents access for a~~
1233 ~~specified number of hours each day over a 5-day period following~~
1234 ~~a natural disaster, manmade disaster, emergency, or other civil~~
1235 ~~disturbance that disrupts the normal supply of electricity. The~~
1236 ~~alternate power source that controls elevator operations must~~
1237 ~~also be capable of powering any connected fire alarm system in~~
1238 ~~the building.~~

1239 ~~(b) At a minimum, the elevator must be appropriately~~
1240 ~~prewired and prepared to accept an alternate power source and~~
1241 ~~must have a connection on the line side of the main disconnect,~~
1242 ~~pursuant to National Electric Code Handbook, Article 700. In~~

2011396e1

1243 ~~addition to the required power source for the elevator and~~
1244 ~~connected fire alarm system in the building, the alternate power~~
1245 ~~supply must be sufficient to provide emergency lighting to the~~
1246 ~~interior lobbies, hallways, and other portions of the building~~
1247 ~~used by the public. Residential multifamily dwellings must have~~
1248 ~~an available generator and fuel source on the property or have~~
1249 ~~proof of a current contract posted in the elevator machine room~~
1250 ~~or other place conspicuous to the elevator inspector affirming a~~
1251 ~~current guaranteed service contract for such equipment and fuel~~
1252 ~~source to operate the elevator on an on-call basis within 24~~
1253 ~~hours after a request. By December 31, 2006, any person, firm or~~
1254 ~~corporation that owns, manages, or operates a residential~~
1255 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1256 ~~the local building inspection agency verification of engineering~~
1257 ~~plans for residential multifamily dwellings that provide for the~~
1258 ~~capability to generate power by alternate means. Compliance with~~
1259 ~~installation requirements and operational capability~~
1260 ~~requirements must be verified by local building inspectors and~~
1261 ~~reported to the county emergency management agency by December~~
1262 ~~31, 2007.~~

1263 ~~(c) Each newly constructed residential multifamily~~
1264 ~~dwelling, including a condominium, that is at least 75 feet high~~
1265 ~~and contains a public elevator, as described in s. 399.035(2)~~
1266 ~~and (3) and rules adopted by the Florida Building Commission,~~
1267 ~~must have at least one public elevator that is capable of~~
1268 ~~operating on an alternate power source for the purpose of~~
1269 ~~allowing all residents access for a specified number of hours~~
1270 ~~each day over a 5-day period following a natural disaster,~~
1271 ~~manmade disaster, emergency, or other civil disturbance that~~

2011396e1

1272 ~~disrupts the normal supply of electricity. The alternate power~~
1273 ~~source that controls elevator operations must be capable of~~
1274 ~~powering any connected fire alarm system in the building. In~~
1275 ~~addition to the required power source for the elevator and~~
1276 ~~connected fire alarm system, the alternate power supply must be~~
1277 ~~sufficient to provide emergency lighting to the interior~~
1278 ~~lobbies, hallways, and other portions of the building used by~~
1279 ~~the public. Engineering plans and verification of operational~~
1280 ~~capability must be provided by the local building inspector to~~
1281 ~~the county emergency management agency before occupancy of the~~
1282 ~~newly constructed building.~~

1283 ~~(d) Each person, firm, or corporation that is required to~~
1284 ~~maintain an alternate power source under this subsection shall~~
1285 ~~maintain a written emergency operations plan that details the~~
1286 ~~sequence of operations before, during, and after a natural or~~
1287 ~~manmade disaster or other emergency situation. The plan must~~
1288 ~~include, at a minimum, a lifesafety plan for evacuation,~~
1289 ~~maintenance of the electrical and lighting supply, and~~
1290 ~~provisions for the health, safety, and welfare of the residents.~~
1291 ~~In addition, the owner, manager, or operator of the residential~~
1292 ~~multifamily dwelling must keep written records of any contracts~~
1293 ~~for alternative power generation equipment. Also, quarterly~~
1294 ~~inspection records of lifesafety equipment and alternate power~~
1295 ~~generation equipment must be posted in the elevator machine room~~
1296 ~~or other place conspicuous to the elevator inspector, which~~
1297 ~~confirm that such equipment is properly maintained and in good~~
1298 ~~working condition, and copies of contracts for alternate power~~
1299 ~~generation equipment shall be maintained on site for~~
1300 ~~verification. The written emergency operations plan and~~

2011396e1

1301 ~~inspection records shall also be open for periodic inspection by~~
1302 ~~local and state government agencies as deemed necessary. The~~
1303 ~~owner or operator must keep a generator key in a lockbox posted~~
1304 ~~at or near any installed generator unit.~~

1305 ~~(e) Multistory affordable residential dwellings for persons~~
1306 ~~age 62 and older that are financed or insured by the United~~
1307 ~~States Department of Housing and Urban Development must make~~
1308 ~~every effort to obtain grant funding from the Federal Government~~
1309 ~~or the Florida Housing Finance Corporation to comply with this~~
1310 ~~subsection. If an owner of such a residential dwelling cannot~~
1311 ~~comply with the requirements of this subsection, the owner must~~
1312 ~~develop a plan with the local emergency management agency to~~
1313 ~~ensure that residents are evacuated to a place of safety in the~~
1314 ~~event of a power outage resulting from a natural or manmade~~
1315 ~~disaster or other emergency situation that disrupts the normal~~
1316 ~~supply of electricity for an extended period of time. A place of~~
1317 ~~safety may include, but is not limited to, relocation to an~~
1318 ~~alternative site within the building or evacuation to a local~~
1319 ~~shelter.~~

1320 ~~(f) As a part of the annual elevator inspection required~~
1321 ~~under s. 399.061, certified elevator inspectors shall confirm~~
1322 ~~that all installed generators required by this chapter are in~~
1323 ~~working order, have current inspection records posted in the~~
1324 ~~elevator machine room or other place conspicuous to the elevator~~
1325 ~~inspector, and that the required generator key is present in the~~
1326 ~~lockbox posted at or near the installed generator. If a building~~
1327 ~~does not have an installed generator, the inspector shall~~
1328 ~~confirm that the appropriate prewiring and switching~~
1329 ~~capabilities are present and that a statement is posted in the~~

2011396e1

1330 ~~elevator machine room or other place conspicuous to the elevator~~
1331 ~~inspector affirming a current guaranteed contract exists for~~
1332 ~~contingent services for alternate power is current for the~~
1333 ~~operating period.~~

1334 (2) However, buildings, structures, and facilities must, as
1335 a minimum, comply with the requirements in the Americans with
1336 Disabilities Act Standards for Accessible Design Accessibility
1337 Guidelines.

1338 Section 28. Consistent with the federal implementation of
1339 the 2010 Americans with Disabilities Act Standards for
1340 Accessible Design, buildings and facilities in this state may be
1341 designed in conformity with the 2010 standards if the design
1342 also complies with Florida-specific requirements provided in
1343 part II of chapter 553, Florida Statutes, until the Florida
1344 Accessibility Code for Building Construction is updated to
1345 implement the changes to part II of chapter 553, Florida
1346 Statutes, as provided by this Act.

1347 Section 29. Effective January 1, 2012, subsections (3),
1348 (7), (8), and (9) and paragraph (h) of subsection (10) of
1349 section 553.73, Florida Statutes, are amended to read:

1350 553.73 Florida Building Code.—

1351 (3) The commission shall use the International Codes
1352 published by the International Code Council, the National
1353 Electric Code (NFPA 70), or other nationally adopted model codes
1354 and standards needed to develop the state base code in order
1355 ~~select from available national or international model building~~
1356 ~~codes, or other available building codes and standards currently~~
1357 ~~recognized by the laws of this state, to form the foundation for~~
1358 ~~the Florida Building Code. The commission may modify the~~

2011396e1

1359 ~~selected model codes and standards as needed to accommodate the~~
1360 ~~specific needs of this state. Standards or criteria referenced~~
1361 ~~by the selected model codes shall be similarly incorporated by~~
1362 ~~reference. If a referenced standard or criterion requires~~
1363 ~~amplification or modification to be appropriate for use in this~~
1364 ~~state, only the amplification or modification shall be~~
1365 ~~specifically set forth in the Florida Building Code. The Florida~~
1366 ~~Building Commission may approve technical amendments to the~~
1367 ~~code, subject to the requirements of subsections (8) and (9),~~
1368 ~~after the amendments have been subject to the following~~
1369 ~~conditions:~~

1370 (a) The proposed amendment has been published on the
1371 commission's website for a minimum of 45 days and all the
1372 associated documentation has been made available to any
1373 interested party before any consideration by a ~~any~~ technical
1374 advisory committee;

1375 (b) In order for a technical advisory committee to make a
1376 favorable recommendation to the commission, the proposal must
1377 receive a three-fourths vote of the members present at the
1378 ~~Technical Advisory~~ committee meeting and at least half of the
1379 regular members must be present in order to conduct a meeting;

1380 (c) After technical advisory committee consideration and a
1381 recommendation for approval of any proposed amendment, the
1382 proposal must be published on the commission's website for at
1383 least ~~not less than~~ 45 days before any consideration by the
1384 commission; and

1385 (d) A ~~Any~~ proposal may be modified by the commission based
1386 on public testimony and evidence from a public hearing held in
1387 accordance with chapter 120.

2011396e1

1388
1389 The commission shall incorporate within sections of the Florida
1390 Building Code provisions that ~~which~~ address regional and local
1391 concerns and variations. The commission shall make every effort
1392 to minimize conflicts between the Florida Building Code, the
1393 Florida Fire Prevention Code, and the Life Safety Code.

1394 (7) (a) The commission, ~~by rule adopted pursuant to ss.~~
1395 ~~120.536(1) and 120.54,~~ shall update the Florida Building Code by
1396 rule every 3 years. When updating the Florida Building Code, the
1397 commission shall select the most current version of the
1398 International Building Code, the International Fuel Gas Code,
1399 the International Mechanical Code, the International Plumbing
1400 Code, and the International Residential Code, all of which are
1401 adopted by the International Code Council, and the National
1402 Electrical Code, which is adopted by the National Fire
1403 Protection Association, to form the foundation codes of the
1404 updated Florida Building Code, if the version has been adopted
1405 by the applicable model code entity. The commission shall select
1406 the most current version of the International Energy
1407 Conservation Code (IECC) as a foundation code; however, the IECC
1408 must ~~shall~~ be modified by the commission to maintain the
1409 efficiencies of the Florida Energy Efficiency Code for Building
1410 Construction adopted and amended pursuant to s. 553.901.

1411 (b) Codes regarding noise contour lines shall be reviewed
1412 annually, and the most current federal guidelines shall be
1413 adopted.

1414 (c) The commission may modify any portion of the foundation
1415 codes only as needed to accommodate the specific needs of this
1416 state, maintaining Florida-specific amendments previously

2011396e1

1417 adopted by the commission and not addressed by the updated
1418 foundation code. Standards or criteria referenced by the codes
1419 shall be incorporated by reference. If a referenced standard or
1420 criterion requires amplification or modification to be
1421 appropriate for use in this state, only the amplification or
1422 modification shall be set forth in the Florida Building Code.
1423 The commission may approve technical amendments to the updated
1424 Florida Building Code after the amendments have been subject to
1425 the conditions set forth in paragraphs (3)(a)-(d). Amendments to
1426 the foundation codes which are adopted in accordance with this
1427 subsection must ~~shall~~ be clearly marked in printed versions of
1428 the Florida Building Code so that ~~the fact that the provisions~~
1429 ~~are~~ Florida-specific amendments to the foundation codes are ~~is~~
1430 readily apparent.

1431 (d) The commission shall further consider the commission's
1432 own interpretations, declaratory statements, appellate
1433 decisions, and approved statewide and local technical amendments
1434 and ~~shall~~ incorporate such interpretations, statements,
1435 decisions, and amendments into the updated Florida Building Code
1436 only to the extent that they are needed to modify the foundation
1437 codes to accommodate the specific needs of the state. A change
1438 made by an institute or standards organization to any standard
1439 or criterion that is adopted by reference in the Florida
1440 Building Code does not become effective statewide until it has
1441 been adopted by the commission. Furthermore, the edition of the
1442 Florida Building Code which is in effect on the date of
1443 application for any permit authorized by the code governs the
1444 permitted work for the life of the permit and any extension
1445 granted to the permit.

2011396e1

1446 (e) A rule updating the Florida Building Code in accordance
1447 with this subsection shall take effect no sooner than 6 months
1448 after publication of the updated code. Any amendment to the
1449 Florida Building Code which is adopted upon a finding by the
1450 commission that the amendment is necessary to protect the public
1451 from immediate threat of harm takes effect immediately.

1452 (f) Provisions of the foundation codes, including those
1453 contained in referenced standards and criteria, relating to wind
1454 resistance or the prevention of water intrusion may not be
1455 modified to diminish those construction requirements; however,
1456 the commission may, subject to ~~conditions in~~ this subsection,
1457 modify the provisions to enhance those construction
1458 requirements.

1459 (g) Amendments or modifications to the foundation code
1460 pursuant to this subsection remain effective only until the
1461 effective date of a new edition of the Florida Building Code
1462 available every third year. Modifications and amendments
1463 included in the Florida Building Code related to state agency
1464 regulations that have been adopted and integrated into the
1465 Florida Building Code shall be carried forward into the next
1466 edition of the code subject to modification as provided in this
1467 part. If amendments that expire pursuant to this paragraph are
1468 resubmitted through the Florida Building Commission code
1469 adoption process, the amendments must specifically address
1470 whether:

1471 1. The provisions contained in the proposed amendment are
1472 addressed in the applicable international code.

1473 2. The amendment demonstrates by evidence or data that the
1474 state's geographical jurisdiction exhibits a need to strengthen

2011396e1

1475 the foundation code beyond the needs or regional variations
1476 addressed by the foundation code, and why the proposed amendment
1477 applies to this state.

1478 3. The proposed amendment was submitted or attempted to be
1479 included in the foundation codes to avoid resubmission to the
1480 Florida Building Code amendment process.

1481
1482 If the proposed amendment has been addressed in the applicable
1483 international code in a substantially equivalent manner, the
1484 Florida Building Commission may not include the proposed
1485 amendment in the foundation code.

1486 (8) Notwithstanding ~~the provisions of~~ subsection (3) or
1487 subsection (7), the commission may address issues identified in
1488 this subsection by amending the code pursuant only to the rule
1489 adoption procedures contained in chapter 120. Provisions of the
1490 Florida Building Code, including those contained in referenced
1491 standards and criteria, relating to wind resistance or the
1492 prevention of water intrusion may not be amended pursuant to
1493 this subsection to diminish those construction requirements;
1494 however, the commission may, subject to ~~conditions in~~ this
1495 subsection, amend the provisions to enhance those construction
1496 requirements. Following the approval of any amendments to the
1497 Florida Building Code by the commission and publication of the
1498 amendments on the commission's website, authorities having
1499 jurisdiction to enforce the Florida Building Code may enforce
1500 the amendments. The commission may approve amendments that are
1501 needed to address:

1502 (a) Conflicts within the updated code;

1503 (b) Conflicts between the updated code and the Florida Fire

2011396e1

1504 Prevention Code adopted pursuant to chapter 633;

1505 ~~(c) The omission of previously adopted Florida-specific~~
1506 ~~amendments to the updated code if such omission is not supported~~
1507 ~~by a specific recommendation of a technical advisory committee~~
1508 ~~or particular action by the commission;~~

1509 (c) ~~(d)~~ Unintended results from the integration of
1510 previously adopted Florida-specific amendments with the model
1511 code;

1512 (d) ~~(e)~~ Equivalency of standards;

1513 (e) ~~(f)~~ Changes to or inconsistencies with federal or state
1514 law; or

1515 (f) ~~(g)~~ Adoption of an updated edition of the National
1516 Electrical Code if the commission finds that delay of
1517 implementing the updated edition causes undue hardship to
1518 stakeholders or otherwise threatens the public health, safety,
1519 and welfare.

1520 (9) (a) The commission may approve technical amendments to
1521 the Florida Building Code once each year for statewide or
1522 regional application upon a finding that the amendment:

1523 1. Is needed in order to accommodate the specific needs of
1524 this state.

1525 2. Has a reasonable and substantial connection with the
1526 health, safety, and welfare of the general public.

1527 3. Strengthens or improves the Florida Building Code, or in
1528 the case of innovation or new technology, will provide
1529 equivalent or better products or methods or systems of
1530 construction.

1531 4. Does not discriminate against materials, products,
1532 methods, or systems of construction of demonstrated

2011396e1

1533 capabilities.

1534 5. Does not degrade the effectiveness of the Florida
1535 Building Code.

1536
1537 ~~Furthermore,~~ The Florida Building Commission may approve
1538 technical amendments to the code once each year to incorporate
1539 into the Florida Building Code its own interpretations of the
1540 code which are embodied in its opinions, final orders,
1541 declaratory statements, and interpretations of hearing officer
1542 panels under s. 553.775(3)(c), but ~~shall do so~~ only to the
1543 extent that the incorporation of interpretations is needed to
1544 modify the foundation codes to accommodate the specific needs of
1545 this state. Amendments approved under this paragraph shall be
1546 adopted by rule ~~pursuant to ss. 120.536(1) and 120.54,~~ after the
1547 amendments have been subjected to ~~the provisions of~~ subsection
1548 (3).

1549 (b) A proposed amendment must ~~shall~~ include a fiscal impact
1550 statement that ~~which~~ documents the costs and benefits of the
1551 proposed amendment. Criteria for the fiscal impact statement
1552 shall be established by rule by the commission and shall include
1553 the impact to local government relative to enforcement, the
1554 impact to property and building owners, and the impact as well
1555 ~~as~~ to industry, relative to the cost of compliance. The
1556 amendment must demonstrate by evidence or data that the state's
1557 geographical jurisdiction exhibits a need to strengthen the
1558 foundation code beyond the needs or regional variations
1559 addressed by the foundation code, and why the proposed amendment
1560 applies to this state.

1561 (c) The commission may not approve any proposed amendment

2011396e1

1562 that does not accurately and completely address all requirements
1563 for amendment which are set forth in this section. The
1564 commission shall require all proposed amendments and information
1565 submitted with proposed amendments to be reviewed by commission
1566 staff before ~~prior to~~ consideration by any technical advisory
1567 committee. These reviews shall be for sufficiency only and are
1568 not intended to be qualitative in nature. Staff members must
1569 ~~shall~~ reject any proposed amendment that fails to include a
1570 fiscal impact statement. Proposed amendments rejected by staff
1571 members ~~of the staff~~ may not be considered by the commission or
1572 any technical advisory committee.

1573 (d) Provisions of the Florida Building Code, including
1574 those contained in referenced standards and criteria, relating
1575 to wind resistance or the prevention of water intrusion may not
1576 be amended pursuant to this subsection to diminish those
1577 construction requirements; however, the commission may, subject
1578 to ~~conditions in~~ this subsection, amend the provisions to
1579 enhance those construction requirements.

1580 (10) The following buildings, structures, and facilities
1581 are exempt from the Florida Building Code as provided by law,
1582 and any further exemptions shall be as determined by the
1583 Legislature and provided by law:

1584 (h) Storage sheds that are not designed for human
1585 habitation and that have a floor area of 720 square feet or less
1586 are not required to comply with the mandatory wind-borne-debris-
1587 impact standards of the Florida Building Code. Such buildings
1588 that are for use in conjunction with one- and two-family
1589 residences and are 400 square feet or less are also not subject
1590 to the door height and width requirements of the code.

2011396e1

1591
1592 With the exception of paragraphs (a), (b), (c), and (f), in
1593 order to preserve the health, safety, and welfare of the public,
1594 the Florida Building Commission may, by rule adopted pursuant to
1595 chapter 120, provide for exceptions to the broad categories of
1596 buildings exempted in this section, including exceptions for
1597 application of specific sections of the code or standards
1598 adopted therein. The Department of Agriculture and Consumer
1599 Services shall have exclusive authority to adopt by rule,
1600 pursuant to chapter 120, exceptions to nonresidential farm
1601 buildings exempted in paragraph (c) when reasonably necessary to
1602 preserve public health, safety, and welfare. The exceptions must
1603 be based upon specific criteria, such as under-roof floor area,
1604 aggregate electrical service capacity, HVAC system capacity, or
1605 other building requirements. Further, the commission may
1606 recommend to the Legislature additional categories of buildings,
1607 structures, or facilities which should be exempted from the
1608 Florida Building Code, to be provided by law. The Florida
1609 Building Code does not apply to temporary housing provided by
1610 the Department of Corrections to any prisoner in the state
1611 correctional system.

1612 Section 30. Paragraph (v) of subsection (1) of section
1613 553.74, Florida Statutes, is amended to read:

1614 553.74 Florida Building Commission.—

1615 (1) The Florida Building Commission is created and shall be
1616 located within the Department of Community Affairs for
1617 administrative purposes. Members shall be appointed by the
1618 Governor subject to confirmation by the Senate. The commission
1619 shall be composed of 25 members, consisting of the following:

2011396e1

1620 (v) One member who is a representative of the green
1621 building industry and who is a third-party commission agent, a
1622 Florida board member of the United States Green Building Council
1623 or Green Building Initiative, a professional who is accredited
1624 under the International Green Construction Code (IGCC), or a
1625 professional who is accredited under Leadership in Energy and
1626 Environmental Design (LEED) ~~LEED-accredited professional.~~
1627

1628 Any person serving on the commission under paragraph (c) or
1629 paragraph (h) on October 1, 2003, and who has served less than
1630 two full terms is eligible for reappointment to the commission
1631 regardless of whether he or she meets the new qualification.

1632 Section 31. Subsection (5) of section 553.842, Florida
1633 Statutes, is amended to read:

1634 553.842 Product evaluation and approval.—

1635 (5) Statewide approval of products, methods, or systems of
1636 construction may be achieved by one of the following methods.
1637 One of these methods must be used by the commission to approve
1638 the following categories of products: panel walls, exterior
1639 doors, roofing, skylights, windows, shutters, and structural
1640 components as established by the commission by rule. A product
1641 may not be advertised, sold, offered, provided, distributed, or
1642 marketed as hurricane, wind storm, or impact protection from
1643 wind-borne debris from a hurricane or wind storm unless it is
1644 approved pursuant to s. 553.842 or s. 553.8425. Any person who
1645 advertises, sells, offers, provides, distributes, or markets a
1646 product as hurricane, windstorm, or impact protection from wind-
1647 borne debris without such approval is subject to the Florida
1648 Deceptive and Unfair Trade Practices Act under part II of

2011396e1

1649 chapter 501 brought by the enforcing authority as defined in s.
1650 501.203.

1651 (a) Products for which the code establishes standardized
1652 testing or comparative or rational analysis methods shall be
1653 approved by submittal and validation of one of the following
1654 reports or listings indicating that the product or method or
1655 system of construction was ~~evaluated to be~~ in compliance with
1656 the Florida Building Code and that the product or method or
1657 system of construction is, for the purpose intended, at least
1658 equivalent to that required by the Florida Building Code:

1659 1. A certification mark or listing of an approved
1660 certification agency, which may be used only for products for
1661 which the code designates standardized testing;

1662 2. A test report from an approved testing laboratory;

1663 3. A product evaluation report based upon testing or
1664 comparative or rational analysis, or a combination thereof, from
1665 an approved product evaluation entity; or

1666 4. A product evaluation report based upon testing or
1667 comparative or rational analysis, or a combination thereof,
1668 developed and signed and sealed by a professional engineer or
1669 architect, licensed in this state.

1670
1671 A product evaluation report or a certification mark or listing
1672 of an approved certification agency which demonstrates that the
1673 product or method or system of construction complies with the
1674 Florida Building Code for the purpose intended is ~~shall be~~
1675 equivalent to a test report and test procedure ~~as~~ referenced in
1676 the Florida Building Code. An application for state approval of
1677 a product under subparagraph 1. must be approved by the

2011396e1

1678 department after the commission staff or a designee verifies
1679 that the application and related documentation are complete.
1680 This verification must be completed within 10 business days
1681 after receipt of the application. Upon approval by the
1682 department, the product shall be immediately added to the list
1683 of state-approved products maintained under subsection (13).
1684 Approvals by the department shall be reviewed and ratified by
1685 the commission's program oversight committee except for a
1686 showing of good cause that a review by the full commission is
1687 necessary. The commission shall adopt rules providing means to
1688 cure deficiencies identified within submittals for products
1689 approved under this paragraph.

1690 (b) Products, methods, or systems of construction for which
1691 there are no specific standardized testing or comparative or
1692 rational analysis methods established in the code may be
1693 approved by submittal and validation of one of the following:

1694 1. A product evaluation report based upon testing or
1695 comparative or rational analysis, or a combination thereof, from
1696 an approved product evaluation entity indicating that the
1697 product or method or system of construction was ~~evaluated to be~~
1698 in compliance with the intent of the Florida Building Code and
1699 that the product or method or system of construction is, for the
1700 purpose intended, at least equivalent to that required by the
1701 Florida Building Code; or

1702 2. A product evaluation report based upon testing or
1703 comparative or rational analysis, or a combination thereof,
1704 developed and signed and sealed by a professional engineer or
1705 architect, licensed in this state, who certifies that the
1706 product or method or system of construction is, for the purpose

2011396e1

1707 intended, at least equivalent to that required by the Florida
1708 Building Code.

1709 Section 32. Section 553.9061, Florida Statutes, is
1710 repealed.

1711 Section 33. Subsections (3), (4), and (5) of section
1712 553.909, Florida Statutes, are amended to read:

1713 553.909 Setting requirements for appliances; exceptions.—

1714 (3) Commercial or residential swimming pool ~~pumps or water~~
1715 heaters manufactured and sold on or after December 31, July 1,
1716 2011, for installation in this state must shall comply with the
1717 requirements of the Florida Energy Efficiency Code for Building
1718 Construction this subsection.

1719 ~~(a) Natural gas pool heaters shall not be equipped with~~
1720 ~~constantly burning pilots.~~

1721 ~~(b) Heat pump pool heaters shall have a coefficient of~~
1722 ~~performance at low temperature of not less than 4.0.~~

1723 ~~(c) The thermal efficiency of gas-fired pool heaters and~~
1724 ~~oil-fired pool heaters shall not be less than 78 percent.~~

1725 ~~(d) All pool heaters shall have a readily accessible on-off~~
1726 ~~switch that is mounted outside the heater and that allows~~
1727 ~~shutting off the heater without adjusting the thermostat~~
1728 ~~setting.~~

1729 (4) ~~(a)~~ Residential swimming pool filtration pumps and pump
1730 motors manufactured and sold on or after December 31, July 1,
1731 2011, for installation in this state must comply with the
1732 requirements of the Florida Energy Efficiency Code for Building
1733 Construction in this subsection.

1734 ~~(b) Residential filtration pool pump motors shall not be~~
1735 ~~split phase, shaded pole, or capacitor start induction run~~

2011396e1

1736 ~~types.~~

1737 ~~(c) Residential filtration pool pumps and pool pump motors~~
1738 ~~with a total horsepower of 1 HP or more shall have the~~
1739 ~~capability of operating at two or more speeds with a low speed~~
1740 ~~having a rotation rate that is no more than one-half of the~~
1741 ~~motor's maximum rotation rate.~~

1742 ~~(d) Residential filtration pool pump motor controls shall~~
1743 ~~have the capability of operating the pool pump at a minimum of~~
1744 ~~two speeds. The default circulation speed shall be the~~
1745 ~~residential filtration speed, with a higher speed override~~
1746 ~~capability being for a temporary period not to exceed one normal~~
1747 ~~cycle or 24 hours, whichever is less; except that circulation~~
1748 ~~speed for solar pool heating systems shall be permitted to run~~
1749 ~~at higher speeds during periods of usable solar heat gain.~~

1750 ~~(5) Portable electric spas manufactured and sold on or~~
1751 ~~after December 31, 2011, for installation in this state must~~
1752 ~~comply with the requirements of the Florida Energy Efficiency~~
1753 ~~Code for Building Construction spa standby power shall not be~~
1754 ~~greater than $5(V^2/3)$ watts where V = the total volume, in~~
1755 ~~gallons, when spas are measured in accordance with the spa~~
1756 ~~industry test protocol.~~

1757 Section 34. Paragraph (a) of subsection (2) of section
1758 627.711, Florida Statutes, is amended to read:

1759 627.711 Notice of premium discounts for hurricane loss
1760 mitigation; uniform mitigation verification inspection form.—

1761 (2) (a) The Financial Services Commission shall develop by
1762 rule a uniform mitigation verification inspection form that
1763 shall be used by all insurers when submitted by policyholders
1764 for the purpose of factoring discounts for wind insurance. In

2011396e1

1765 developing the form, the commission shall seek input from
1766 insurance, construction, and building code representatives.
1767 Further, the commission shall provide guidance as to the length
1768 of time the inspection results are valid. An insurer shall
1769 accept as valid a uniform mitigation verification form signed by
1770 the following authorized mitigation inspectors:

1771 1. A home inspector licensed under s. 468.8314 who has
1772 completed at least 3 hours of hurricane mitigation training
1773 approved by the Construction Industry Licensing Board which
1774 includes hurricane mitigation techniques and compliance with the
1775 uniform mitigation verification form and completion of a
1776 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~
1777 ~~468.8314 must complete at least 2 hours of continuing education,~~
1778 ~~as part of the existing licensure renewal requirements each~~
1779 ~~year, related to mitigation inspection and the uniform~~
1780 ~~mitigation form;~~

1781 2. A building code inspector certified under s. 468.607;

1782 3. A general, building, or residential contractor licensed
1783 under s. 489.111;

1784 4. A professional engineer licensed under s. 471.015;

1785 5. A professional architect licensed under s. 481.213; or

1786 6. Any other individual or entity recognized by the insurer
1787 as possessing the necessary qualifications to properly complete
1788 a uniform mitigation verification form.

1789 Section 35. Except as otherwise expressly provided in this
1790 act, this act shall take effect July 1, 2011.