

1 A bill to be entitled
2 An act relating to building construction and inspection;
3 amending s. 120.541, F.S.; exempting rules that adopt
4 federal standards and certain updates of or amendments to
5 the Florida Building Code or Florida Fire Prevention Code
6 from a requirement that the Legislature ratify any rule
7 that has an adverse impact or regulatory costs which
8 exceed certain criteria; deleting an exemption for
9 emergency rules and rules that adopt federal standards
10 from a requirement that an agency's statement of a rule's
11 estimated regulatory costs include an economic analysis of
12 the rule's adverse impacts and regulatory costs; amending
13 s. 161.053, F.S.; prohibiting the Florida Building
14 Commission from adopting rules that limit any exceptions
15 or exemptions provided for modifications or repairs of
16 existing structures within the limits of an existing
17 foundation under certain circumstances; amending s.
18 162.12, F.S.; authorizing notices relating to a code
19 violation to be sent by certified mail to the property
20 owner at an address provided to the local government for
21 the purposes of receiving notices or to the registered
22 agent of a corporation for property owned by a
23 corporation; deleting a requirement for such notices to be
24 sent by first-class mail; amending s. 255.252, F.S.;
25 conforming provisions to changes made by the act; amending
26 s. 255.253, F.S.; redefining the term "sustainable
27 building rating" to include a national model green
28 building code; amending ss. 255.257 and 255.2575, F.S.;

29 requiring that state agencies, local governments, and the
30 court system adopt a sustainable building rating system or
31 use a national model green building code for new and
32 renovated buildings; amending s. 468.8316, F.S.; revising
33 the continuing education requirements for licensed home
34 inspectors; amending s. 468.8319, F.S.; deleting an
35 exemption for certain contractors from the prohibition
36 against performing repairs on a home that has a home
37 inspection report; deleting an obsolete provision;
38 amending s. 468.8323, F.S.; clarifying a provision
39 relating to the contents of a home inspection report;
40 amending s. 468.8324, F.S.; providing alternative criteria
41 for obtaining a home inspector's license; removing certain
42 application requirements for a person who performs home
43 inspection services and who qualifies for licensure on or
44 before a specified date; amending s. 468.841, F.S.; adding
45 licensed home inspectors to those who are exempt from
46 complying with provisions related to mold assessment;
47 amending s. 481.329, F.S.; providing that part II of ch.
48 481, F.S., does not preclude any person who engages in the
49 business of landscape design from submitting such plans to
50 governmental agencies for approval; amending s. 489.103,
51 F.S.; clarifying an exemption from construction
52 contracting regulation relating to Habitat for Humanity;
53 amending s. 489.105, F.S.; adding the term "glass and
54 glazing contractors" to the definition of the term
55 "contractor"; amending ss. 489.107 and 489.141, F.S.;
56 conforming cross-references; amending s. 514.028, F.S.;

57 | revising the composition of the advisory review board
58 | relating to public swimming pools and bathing facilities;
59 | creating s. 514.0315, F.S.; requiring public swimming
60 | pools and spas to be equipped with certain safety
61 | features; amending s. 527.06, F.S.; prohibiting the
62 | Department of Agriculture and Consumer Services and other
63 | state agencies from requiring compliance with certain
64 | national standards for liquefied petroleum gas tanks
65 | unless the department or agencies require compliance with
66 | a specified edition of the national standards; providing
67 | for repeal under certain circumstances; amending s.
68 | 527.21, F.S.; revising the term "propane" for purposes of
69 | the Florida Propane Gas Education, Safety, and Research
70 | Act, to incorporate changes to certain national standards
71 | in a reference thereto; amending s. 553.502, F.S.;
72 | revising intent with respect to the Florida Americans with
73 | Disabilities Act; amending s. 553.503, F.S.; incorporating
74 | the Americans with Disabilities Act Standards for
75 | Accessible Design into state law by reference and
76 | directing that they be adopted by rule into the Florida
77 | Accessibility Code for Building Construction; amending s.
78 | 553.504, F.S.; revising exceptions to incorporate the
79 | standards; amending s. 553.5041, F.S.; revising provisions
80 | relating to parking spaces for persons who have
81 | disabilities to incorporate the standards; amending ss.
82 | 553.505 and 553.506, F.S.; conforming provisions to
83 | changes made by the act; amending s. 553.507, F.S.;
84 | providing for the applicability of the act; amending s.

85 | 553.509, F.S.; revising provisions relating to vertical
86 | accessibility to incorporate the standards; providing that
87 | buildings and facilities in this state do not have to
88 | comply with the changes provided by this act until the
89 | Florida Accessibility Code for Building Construction is
90 | updated; amending s. 553.73, F.S.; revising requirements
91 | relating to the Florida Building Code; specifying national
92 | codes to form the foundation for state building standards
93 | and codes; revising provisions for the amendment or
94 | modification of the foundation code; revising the criteria
95 | for approval by the Florida Building Commission of
96 | technical amendments to the code; exempting certain
97 | storage sheds from door height and width requirements;
98 | amending s. 553.74, F.S.; revising requirements for
99 | selecting a member of the Florida Building Commission;
100 | amending s. 553.842, F.S.; providing for the approval of
101 | certain windstorm products; providing a cause of action
102 | against any person who advertises, sells, offers,
103 | provides, distributes, or markets certain products without
104 | approval; repealing s. 553.9061, F.S., relating to
105 | requirements for scheduled increases in the energy
106 | performance of buildings subject to the Florida Energy
107 | Efficiency Code for Building Construction; amending s.
108 | 553.909, F.S.; revising the requirements and effective
109 | dates for certain pool-related equipment; amending s.
110 | 627.711, F.S.; revising requirements relating to home
111 | inspectors conducting hurricane mitigation inspections;
112 | providing effective dates.

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

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

120.541 Statement of estimated regulatory costs.—

(3) If the adverse impact or regulatory costs of the rule exceed any of the criteria established in paragraph (2) (a), the rule shall be submitted to the President of the Senate and Speaker of the House of Representatives no later than 30 days prior to the next regular legislative session, and the rule may not take effect until it is ratified by the Legislature.

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

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

(b) Triennial updates of and amendments to the Florida Building Code which are expressly authorized by s. 553.73.

(c) Triennial updates of and amendments to the Florida Fire Prevention Code which are expressly authorized by s. 633.0215.

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

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

(11) (a) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion

141 projections in subsection (5) do not apply to any modification,
 142 maintenance, or repair of any existing structure within the
 143 limits of the existing foundation which does not require,
 144 involve, or include any additions to, or repair or modification
 145 of, the existing foundation of that structure. Specifically
 146 excluded from this exemption are seawalls or other rigid coastal
 147 or shore protection structures and any additions or enclosures
 148 added, constructed, or installed below the first dwelling floor
 149 or lowest deck of the existing structure. The Florida Building
 150 Commission may not adopt any rule having the effect of limiting
 151 any exceptions or exemptions contained within this paragraph.

152 Section 3. Section 162.12, Florida Statutes, is amended to
 153 read:

154 162.12 Notices.—

155 (1) All notices required by this part shall be provided to
 156 the alleged violator by:

157 (a) Certified mail, return receipt requested to, ~~provided~~
 158 ~~if such notice is sent under this paragraph to the owner of the~~
 159 ~~property in question at~~ the address listed in the tax
 160 collector's office for tax notices or to, ~~and at~~ any other
 161 address provided by the property owner in writing to the local
 162 government for the purposes of receiving notices. For property
 163 owned by a corporation, notices may be provided by certified
 164 mail, return receipt requested, to the registered agent of the
 165 corporation. If any notice sent by certified mail by such owner
 166 and is not signed as received within 30 days after the date of
 167 mailing returned as unclaimed or refused, notice may be provided
 168 by posting as described in subparagraphs (2) (b)1. and 2. ~~and by~~

169 ~~first class mail directed to the addresses furnished to the~~
170 ~~local government with a properly executed proof of mailing or~~
171 ~~affidavit confirming the first class mailing;~~

172 (b) Hand delivery by the sheriff or other law enforcement
173 officer, code inspector, or other person designated by the local
174 governing body;

175 (c) Leaving the notice at the violator's usual place of
176 residence with any person residing therein who is above 15 years
177 of age and informing such person of the contents of the notice;
178 or

179 (d) In the case of commercial premises, leaving the notice
180 with the manager or other person in charge.

181 (2) In addition to providing notice as set forth in
182 subsection (1), at the option of the code enforcement board,
183 notice may also be served by publication or posting, as follows:

184 (a)1. Such notice shall be published once during each week
185 for 4 consecutive weeks (four publications being sufficient) in
186 a newspaper of general circulation in the county where the code
187 enforcement board is located. The newspaper shall meet such
188 requirements as are prescribed under chapter 50 for legal and
189 official advertisements.

190 2. Proof of publication shall be made as provided in ss.
191 50.041 and 50.051.

192 (b)1. In lieu of publication as described in paragraph
193 (a), such notice may be posted at least 10 days prior to the
194 hearing, or prior to the expiration of any deadline contained in
195 the notice, in at least two locations, one of which shall be the
196 property upon which the violation is alleged to exist and the

197 other of which shall be, in the case of municipalities, at the
 198 primary municipal government office, and in the case of
 199 counties, at the front door of the courthouse or the main county
 200 governmental center in said county.

201 2. Proof of posting shall be by affidavit of the person
 202 posting the notice, which affidavit shall include a copy of the
 203 notice posted and the date and places of its posting.

204 (c) Notice by publication or posting may run concurrently
 205 with, or may follow, an attempt or attempts to provide notice by
 206 hand delivery or by mail as required under subsection (1).
 207 Evidence that an attempt has been made to hand deliver or mail
 208 notice as provided in subsection (1), together with proof of
 209 publication or posting as provided in subsection (2), is ~~shall~~
 210 ~~be~~ sufficient to show that the notice requirements of this part
 211 have been met, without regard to whether or not the alleged
 212 violator actually received such notice.

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

215 255.252 Findings and intent.—

216 (3) In order for ~~that such~~ energy-efficiency and
 217 sustainable materials considerations to become a function of
 218 building design and a model for future application in the
 219 private sector, it is ~~shall be~~ the policy of the state that
 220 buildings constructed and financed by the state be designed and
 221 constructed to comply with a sustainable building rating or a
 222 national model green building code ~~the United States Green~~
 223 ~~Building Council (USGBC) Leadership in Energy and Environmental~~
 224 ~~Design (LEED) rating system, the Green Building Initiative's~~

225 ~~Green Globes rating system, the Florida Green Building Coalition~~
226 ~~standards, or a nationally recognized, high-performance green~~
227 ~~building rating system as approved by the department. It is~~
228 further the policy of the state, if ~~when~~ economically feasible,
229 to retrofit existing state-owned buildings in a manner that
230 minimizes ~~which will minimize~~ the consumption of energy used in
231 the operation and maintenance of such buildings.

232 (4) In addition to designing and constructing new
233 buildings to be energy-efficient, it is ~~shall be~~ the policy of
234 the state to operate and maintain state facilities in a manner
235 that minimizes ~~which will minimize~~ energy consumption and
236 maximizes ~~maximize~~ building sustainability, and to operate as
237 ~~well as ensure that~~ facilities leased by the state ~~are operated~~
238 so as to minimize energy use. It is further the policy of the
239 state that the renovation of existing state facilities be in
240 accordance with a sustainable building rating or a national
241 model green building code ~~the United States Green Building~~
242 ~~Council (USGBC) Leadership in Energy and Environmental Design~~
243 ~~(LEED) rating system, the Green Building Initiative's Green~~
244 ~~Globes rating system, the Florida Green Building Coalition~~
245 ~~standards, or a nationally recognized, high-performance green~~
246 ~~building rating system as approved by the department. State~~
247 agencies are encouraged to consider shared savings financing of
248 ~~such~~ energy-efficiency and conservation projects, using
249 contracts that ~~which~~ split the resulting savings for a specified
250 period of time between the state agency and the private firm or
251 cogeneration contracts and that ~~which~~ otherwise permit the state
252 to lower its net energy costs. Such energy contracts may be

253 funded from the operating budget.

254 Section 5. Subsection (7) of section 255.253, Florida
 255 Statutes, is amended to read:

256 255.253 Definitions; ss. 255.251-255.258.—

257 (7) "Sustainable building rating or national model green
 258 building code" ~~rating~~ means a rating system established by the
 259 United States Green Building Council (USGBC) Leadership in
 260 Energy and Environmental Design (LEED) rating system, the
 261 International Green Construction Code (IGCC), the Green Building
 262 Initiative's Green Globes rating system, the Florida Green
 263 Building Coalition standards, or a nationally recognized, high-
 264 performance green building rating system as approved by the
 265 department.

266 Section 6. Subsection (4) of section 255.257, Florida
 267 Statutes, is amended to read:

268 255.257 Energy management; buildings occupied by state
 269 agencies.—

270 (4) ADOPTION OF STANDARDS.—

271 (a) All state agencies shall adopt a sustainable building
 272 rating system or use a national model green building code ~~the~~
 273 ~~United States Green Building Council (USGBC) Leadership in~~
 274 ~~Energy and Environmental Design (LEED) rating system, the Green~~
 275 ~~Building Initiative's Green Globes rating system, the Florida~~
 276 ~~Green Building Coalition standards, or a nationally recognized,~~
 277 ~~high-performance green building rating system as approved by the~~
 278 ~~department~~ for all new buildings and renovations to existing
 279 buildings.

280 (b) No state agency shall enter into new leasing

281 | agreements for office space that does not meet Energy Star
 282 | building standards, except when ~~determined by~~ the appropriate
 283 | state agency head determines that no other viable or cost-
 284 | effective alternative exists.

285 | (c) All state agencies shall develop energy conservation
 286 | measures and guidelines for new and existing office space where
 287 | state agencies occupy more than 5,000 square feet. These
 288 | conservation measures shall focus on programs that may reduce
 289 | energy consumption and, when established, provide a net
 290 | reduction in occupancy costs.

291 | Section 7. Subsection (2) of section 255.2575, Florida
 292 | Statutes, is amended to read:

293 | 255.2575 Energy-efficient and sustainable buildings.—

294 | (2) All county, municipal, school district, water
 295 | management district, state university, community college, and
 296 | ~~Florida~~ state court buildings shall be constructed to comply
 297 | with a sustainable building rating system or a national model
 298 | green building code ~~meet the United States Green Building~~
 299 | ~~Council (USGBC) Leadership in Energy and Environmental Design~~
 300 | ~~(LEED) rating system, the Green Building Initiative's Green~~
 301 | ~~Globes rating system, the Florida Green Building Coalition~~
 302 | ~~standards, or a nationally recognized, high-performance green~~
 303 | ~~building rating system as approved by the Department of~~
 304 | ~~Management Services.~~ This section applies ~~shall apply~~ to all
 305 | county, municipal, school district, water management district,
 306 | state university, community college, and ~~Florida~~ state court
 307 | buildings the architectural plans of which are commenced after
 308 | July 1, 2008.

309 Section 8. Subsection (1) of section 468.8316, Florida
 310 Statutes, is amended to read:

311 468.8316 Continuing education.—

312 (1) The department may not renew a license until the
 313 licensee submits proof satisfactory to the department that
 314 during the 2 years before ~~prior to his or her~~ application for
 315 renewal the licensee ~~has~~ completed at least 14 hours of
 316 continuing education. Of the 14 hours, at least 2 hours must be
 317 in hurricane mitigation training that includes hurricane
 318 mitigation techniques and compliance with the uniform mitigation
 319 verification inspection form developed under s. 627.711(2). The
 320 department shall adopt rules establishing criteria for approving
 321 continuing education providers and courses ~~course content shall~~
 322 ~~be approved by the department by rule.~~

323 Section 9. Paragraph (f) of subsection (1) and subsection
 324 (3) of section 468.8319, Florida Statutes, are amended to read:

325 468.8319 Prohibitions; penalties.—

326 (1) A person may not:

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

330 ~~1.~~ a home warranty company that is affiliated with or
 331 retains a home inspector to perform repairs pursuant to a claim
 332 made under a home warranty contract.

333 ~~2. A certified contractor who is classified in s.~~
 334 ~~489.105(3) as a Division I contractor. However, the department~~
 335 ~~may adopt rules requiring that, if such contractor performs the~~
 336 ~~home inspection and offers to perform the repairs, the contract~~

337 ~~for repairs provided to the homeowner discloses that he or she~~
 338 ~~has the right to request competitive bids.~~

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

342 Section 10. Paragraph (b) of subsection (1) of section
 343 468.8323, Florida Statutes, is amended to read:

344 468.8323 Home inspection report.—Upon completion of each
 345 home inspection for compensation, the home inspector shall
 346 provide a written report prepared for the client.

347 (1) The home inspector shall report:

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

351 Section 11. Subsections (3) and (4) of section 468.8324,
 352 Florida Statutes, are renumbered as subsections (2) and (3),
 353 respectively, and present subsections (1) and (2) of that
 354 section are amended to read:

355 468.8324 Grandfather clause.—

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

360 (a) Possesses certification as a one and two family
 361 dwelling inspector issued by the International Code Council or
 362 the Southern Building Code Congress International;

363 (b) Has been certified as a one and two family dwelling
 364 inspector by the Florida Building Code Administrators and

365 Inspectors Board under part XII of this chapter; or

366 (c) Possesses a Division I contractor license under part I
367 of chapter 489.

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

373 ~~(a) Is certified as a home inspector by a state or~~
374 ~~national association that requires, for such certification,~~
375 ~~successful completion of a proctored examination on home~~
376 ~~inspection services and completes at least 14 hours of~~
377 ~~verifiable education on such services; or~~

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

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

387 Section 12. Paragraph (d) of subsection (1) of section
388 468.841, Florida Statutes, is amended to read:

389 468.841 Exemptions.—

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

392 (d) Persons or business organizations acting within the

393 scope of the respective licenses required under part XV of
 394 chapter 468, chapter 471, part I of chapter 481, chapter 482,
 395 chapter 489, or part XV of this chapter, are acting on behalf of
 396 an insurer under part VI of chapter 626, or are persons in the
 397 manufactured housing industry who are licensed under chapter
 398 320, except when any such persons or business organizations hold
 399 themselves out for hire to the public as a "certified mold
 400 assessor," "registered mold assessor," "licensed mold assessor,"
 401 "mold assessor," "professional mold assessor," or any
 402 combination thereof stating or implying licensure under this
 403 part.

404 Section 13. Subsection (5) of section 481.329, Florida
 405 Statutes, is amended to read:

406 481.329 Exceptions; exemptions from licensure.—

407 (5) Nothing in this part prohibits any person from
 408 engaging in the practice of landscape design, as defined in s.
 409 481.303(7), nor submitting such plans to governmental agencies
 410 for approval. Persons providing landscape design services shall
 411 not use the title, term, or designation "landscape architect,"
 412 "landscape architectural," "landscape architecture," "L.A.,"
 413 "landscape engineering," or any description tending to convey
 414 the impression that she or he is a landscape architect unless
 415 she or he is registered as provided in this part.

416 Section 14. Subsection (18) of section 489.103, Florida
 417 Statutes, is amended to read:

418 489.103 Exemptions.—This part does not apply to:

419 (18) Any one-family, two-family, or three-family residence
 420 constructed or rehabilitated by Habitat for Humanity

421 International, Inc., or its local affiliates. Habitat for
 422 Humanity International, Inc., or its local affiliates, must:

- 423 (a) Obtain all necessary building permits.
- 424 (b) Obtain all required building code inspections.
- 425 (c) Provide for supervision of all work by an individual
 426 with construction experience.

427 Section 15. Subsection (3) of section 489.105, Florida
 428 Statutes, is amended to read

429 489.105 Definitions.—As used in this part:

430 (3) "Contractor" means the person who is qualified for,
 431 and is ~~shall~~ only be responsible for, the project contracted for
 432 and means, except as exempted in this part, the person who, for
 433 compensation, undertakes to, submits a bid to, or does himself
 434 or herself or by others construct, repair, alter, remodel, add
 435 to, demolish, subtract from, or improve any building or
 436 structure, including related improvements to real estate, for
 437 others or for resale to others; and whose job scope is
 438 substantially similar to the job scope described in one of the
 439 subsequent paragraphs of this subsection. For the purposes of
 440 regulation under this part, "demolish" applies only to
 441 demolition of steel tanks over 50 feet in height; towers over 50
 442 feet in height; other structures over 50 feet in height, other
 443 than buildings or residences over three stories tall; and
 444 buildings or residences over three stories tall. Contractors are
 445 subdivided into two divisions, Division I, consisting of those
 446 contractors defined in paragraphs (a)-(c), and Division II,
 447 consisting of those contractors defined in paragraphs (d)-(r)
 448 ~~(d)-(q)~~:

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

454 (b) "Building contractor" means a contractor whose
455 services are limited to construction of commercial buildings and
456 single-dwelling or multiple-dwelling residential buildings,
457 which ~~commercial or residential buildings~~ do not exceed three
458 stories in height, and accessory use structures in connection
459 therewith or a contractor whose services are limited to
460 remodeling, repair, or improvement of any size building if the
461 services do not affect the structural members of the building.

462 (c) "Residential contractor" means a contractor whose
463 services are limited to construction, remodeling, repair, or
464 improvement of one-family, two-family, or three-family
465 residences not exceeding two habitable stories above no more
466 than one uninhabitable story and accessory use structures in
467 connection therewith.

468 (d) "Sheet metal contractor" means a contractor whose
469 services are unlimited in the sheet metal trade and who has the
470 experience, knowledge, and skill necessary for the manufacture,
471 fabrication, assembling, handling, erection, installation,
472 dismantling, conditioning, adjustment, insulation, alteration,
473 repair, servicing, or design, if ~~when~~ not prohibited by law, of
474 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
475 equivalent or lighter gauge and of other materials, including,
476 but not limited to, fiberglass, used in lieu thereof and of air-

477 handling systems, including the setting of air-handling
478 equipment and reinforcement of same, the balancing of air-
479 handling systems, and any duct cleaning and equipment sanitizing
480 that ~~which~~ requires at least a partial disassembling of the
481 system.

482 (e) "Roofing contractor" means a contractor whose services
483 are unlimited in the roofing trade and who has the experience,
484 knowledge, and skill to install, maintain, repair, alter,
485 extend, or design, if ~~when~~ not prohibited by law, and use
486 materials and items used in the installation, maintenance,
487 extension, and alteration of all kinds of roofing,
488 waterproofing, and coating, except when coating is not
489 represented to protect, repair, waterproof, stop leaks, or
490 extend the life of the roof. The scope of work of a roofing
491 contractor also includes required roof-deck attachments and any
492 repair or replacement of wood roof sheathing or fascia as needed
493 during roof repair or replacement.

494 (f) "Class A air-conditioning contractor" means a
495 contractor whose services are unlimited in the execution of
496 contracts requiring the experience, knowledge, and skill to
497 install, maintain, repair, fabricate, alter, extend, or design,
498 if ~~when~~ not prohibited by law, central air-conditioning,
499 refrigeration, heating, and ventilating systems, including duct
500 work in connection with a complete system if ~~only to the extent~~
501 such duct work is performed by the contractor as ~~is~~ necessary to
502 ~~make~~ complete an air-distribution system, boiler and unfired
503 pressure vessel systems, and all appurtenances, apparatus, or
504 equipment used in connection therewith, and any duct cleaning

505 and equipment sanitizing that ~~which~~ requires at least a partial
506 disassembling of the system; to install, maintain, repair,
507 fabricate, alter, extend, or design, if ~~when~~ not prohibited by
508 law, piping, insulation of pipes, vessels and ducts, pressure
509 and process piping, and pneumatic control piping; to replace,
510 disconnect, or reconnect power wiring on the load side of the
511 dedicated existing electrical disconnect switch; to install,
512 disconnect, and reconnect low voltage heating, ventilating, and
513 air-conditioning control wiring; and to install a condensate
514 drain from an air-conditioning unit to an existing safe waste or
515 other approved disposal other than a direct connection to a
516 sanitary system. The scope of work for such contractor ~~shall~~
517 also includes ~~include~~ any excavation work incidental thereto,
518 but does ~~shall~~ not include any work such as liquefied petroleum
519 or natural gas fuel lines within buildings, except for
520 disconnecting or reconnecting changeouts of liquefied petroleum
521 or natural gas appliances within buildings; potable water lines
522 or connections thereto; sanitary sewer lines; swimming pool
523 piping and filters; or electrical power wiring.

524 (g) "Class B air-conditioning contractor" means a
525 contractor whose services are limited to 25 tons of cooling and
526 500,000 Btu of heating in any one system in the execution of
527 contracts requiring the experience, knowledge, and skill to
528 install, maintain, repair, fabricate, alter, extend, or design,
529 if ~~when~~ not prohibited by law, central air-conditioning,
530 refrigeration, heating, and ventilating systems, including duct
531 work in connection with a complete system only to the extent
532 such duct work is performed by the contractor as ~~is~~ necessary to

533 ~~make~~ complete an air-distribution system being installed under
 534 this classification, and any duct cleaning and equipment
 535 sanitizing that ~~which~~ requires at least a partial disassembling
 536 of the system; to install, maintain, repair, fabricate, alter,
 537 extend, or design, if ~~when~~ not prohibited by law, piping and
 538 insulation of pipes, vessels, and ducts; to replace, disconnect,
 539 or reconnect power wiring on the load side of the dedicated
 540 existing electrical disconnect switch; to install, disconnect,
 541 and reconnect low voltage heating, ventilating, and air-
 542 conditioning control wiring; and to install a condensate drain
 543 from an air-conditioning unit to an existing safe waste or other
 544 approved disposal other than a direct connection to a sanitary
 545 system. The scope of work for such contractor ~~shall~~ also
 546 includes ~~include~~ any excavation work incidental thereto, but
 547 does ~~shall~~ not include any work such as liquefied petroleum or
 548 natural gas fuel lines within buildings, except for
 549 disconnecting or reconnecting changeouts of liquefied petroleum
 550 or natural gas appliances within buildings; potable water lines
 551 or connections thereto; sanitary sewer lines; swimming pool
 552 piping and filters; or electrical power wiring.

553 (h) "Class C air-conditioning contractor" means a
 554 contractor whose business is limited to the servicing of air-
 555 conditioning, heating, or refrigeration systems, including any
 556 duct cleaning and equipment sanitizing that ~~which~~ requires at
 557 least a partial disassembling of the system, and whose
 558 certification or registration, issued pursuant to this part, was
 559 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~
 560 ~~previously~~ registered or certified as a Class C air-conditioning

561 contractor as of October 1, 1988, shall be so registered or
562 certified after October 1, 1988. However, the board shall
563 continue to license and regulate those Class C air-conditioning
564 contractors who held Class C licenses before ~~prior to~~ October 1,
565 1988.

566 (i) "Mechanical contractor" means a contractor whose
567 services are unlimited in the execution of contracts requiring
568 the experience, knowledge, and skill to install, maintain,
569 repair, fabricate, alter, extend, or design, if ~~when~~ not
570 prohibited by law, central air-conditioning, refrigeration,
571 heating, and ventilating systems, including duct work in
572 connection with a complete system if ~~only to the extent~~ such
573 duct work is performed by the contractor as ~~is~~ necessary to ~~make~~
574 complete an air-distribution system, boiler and unfired pressure
575 vessel systems, lift station equipment and piping, and all
576 appurtenances, apparatus, or equipment used in connection
577 therewith, and any duct cleaning and equipment sanitizing that
578 ~~which~~ requires at least a partial disassembling of the system;
579 to install, maintain, repair, fabricate, alter, extend, or
580 design, if ~~when~~ not prohibited by law, piping, insulation of
581 pipes, vessels and ducts, pressure and process piping, pneumatic
582 control piping, gasoline tanks and pump installations and piping
583 for same, standpipes, air piping, vacuum line piping, oxygen
584 lines, nitrous oxide piping, ink and chemical lines, fuel
585 transmission lines, liquefied petroleum gas lines within
586 buildings, and natural gas fuel lines within buildings; to
587 replace, disconnect, or reconnect power wiring on the load side
588 of the dedicated existing electrical disconnect switch; to

589 | install, disconnect, and reconnect low voltage heating,
590 | ventilating, and air-conditioning control wiring; and to install
591 | a condensate drain from an air-conditioning unit to an existing
592 | safe waste or other approved disposal other than a direct
593 | connection to a sanitary system. The scope of work for such
594 | contractor ~~shall~~ also includes ~~include~~ any excavation work
595 | incidental thereto, but does ~~shall~~ not include any work such as
596 | potable water lines or connections thereto, sanitary sewer
597 | lines, swimming pool piping and filters, or electrical power
598 | wiring.

599 | (j) "Commercial pool/spa contractor" means a contractor
600 | whose scope of work involves, but is not limited to, the
601 | construction, repair, and servicing of any swimming pool, or hot
602 | tub or spa, whether public, private, or otherwise, regardless of
603 | use. The scope of work includes the installation, repair, or
604 | replacement of existing equipment, any cleaning or equipment
605 | sanitizing that ~~which~~ requires at least a partial disassembling,
606 | excluding filter changes, and the installation of new pool/spa
607 | equipment, interior finishes, the installation of package pool
608 | heaters, the installation of all perimeter piping and filter
609 | piping, and the construction of equipment rooms or housing for
610 | pool/spa equipment, and also includes the scope of work of a
611 | swimming pool/spa servicing contractor. The scope of such work
612 | does not include direct connections to a sanitary sewer system
613 | or to potable water lines. The installation, construction,
614 | modification, or replacement of equipment permanently attached
615 | to and associated with the pool or spa for the purpose of water
616 | treatment or cleaning of the pool or spa requires licensure;

617 | however, the usage of such equipment for the purposes of water
618 | treatment or cleaning does ~~shall~~ not require licensure unless
619 | the usage involves construction, modification, or replacement of
620 | such equipment. Water treatment that does not require such
621 | equipment does not require a license. In addition, a license is
622 | ~~shall~~ ~~be~~ required for the cleaning of the pool or spa in a
623 | ~~any~~ way that does not affect the structural integrity of the
624 | pool or spa or its associated equipment.

625 | (k) "Residential pool/spa contractor" means a contractor
626 | whose scope of work involves, but is not limited to, the
627 | construction, repair, and servicing of a ~~any~~ residential
628 | swimming pool, or hot tub or spa, regardless of use. The scope
629 | of work includes the installation, repair, or replacement of
630 | existing equipment, any cleaning or equipment sanitizing that
631 | ~~which~~ requires at least a partial disassembling, excluding
632 | filter changes, and the installation of new pool/spa equipment,
633 | interior finishes, the installation of package pool heaters, the
634 | installation of all perimeter piping and filter piping, and the
635 | construction of equipment rooms or housing for pool/spa
636 | equipment, and also includes the scope of work of a swimming
637 | pool/spa servicing contractor. The scope of such work does not
638 | include direct connections to a sanitary sewer system or to
639 | potable water lines. The installation, construction,
640 | modification, or replacement of equipment permanently attached
641 | to and associated with the pool or spa for the purpose of water
642 | treatment or cleaning of the pool or spa requires licensure;
643 | however, the usage of such equipment for the purposes of water
644 | treatment or cleaning does ~~shall~~ not require licensure unless

645 the usage involves construction, modification, or replacement of
646 such equipment. Water treatment that does not require such
647 equipment does not require a license. In addition, a license is
648 ~~shall~~ not be required for the cleaning of the pool or spa in a
649 ~~any~~ way that does not affect the structural integrity of the
650 pool or spa or its associated equipment.

651 (1) "Swimming pool/spa servicing contractor" means a
652 contractor whose scope of work involves, but is not limited to,
653 the repair and servicing of a ~~any~~ swimming pool, or hot tub or
654 spa, whether public or private, or otherwise, regardless of use.
655 The scope of work includes the repair or replacement of existing
656 equipment, any cleaning or equipment sanitizing that ~~which~~
657 requires at least a partial disassembling, excluding filter
658 changes, and the installation of new pool/spa equipment,
659 interior refinishing, the reinstallation or addition of pool
660 heaters, the repair or replacement of all perimeter piping and
661 filter piping, the repair of equipment rooms or housing for
662 pool/spa equipment, and the substantial or complete draining of
663 a swimming pool, or hot tub or spa, for the purpose of ~~any~~
664 repair or renovation. The scope of such work does not include
665 direct connections to a sanitary sewer system or to potable
666 water lines. The installation, construction, modification,
667 substantial or complete disassembly, or replacement of equipment
668 permanently attached to and associated with the pool or spa for
669 the purpose of water treatment or cleaning of the pool or spa
670 requires licensure; however, the usage of such equipment for the
671 purposes of water treatment or cleaning does ~~shall~~ not require
672 licensure unless the usage involves construction, modification,

673 | substantial or complete disassembly, or replacement of such
 674 | equipment. Water treatment that does not require such equipment
 675 | does not require a license. In addition, a license is ~~shall~~ not
 676 | ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way
 677 | that does not affect the structural integrity of the pool or spa
 678 | or its associated equipment.

679 | (m) "Plumbing contractor" means a contractor whose
 680 | contracting business consists of the execution of contracts
 681 | requiring the experience, financial means, knowledge, and skill
 682 | to install, maintain, repair, alter, extend, or, if ~~when~~ not
 683 | prohibited by law, design plumbing. A plumbing contractor may
 684 | install, maintain, repair, alter, extend, or, if ~~when~~ not
 685 | prohibited by law, design the following without obtaining an ~~any~~
 686 | additional local regulatory license, certificate, or
 687 | registration: sanitary drainage or storm drainage facilities;
 688 | venting systems; public or private water supply systems; septic
 689 | tanks; drainage and supply wells; swimming pool piping;
 690 | irrigation systems; or solar heating water systems and all
 691 | appurtenances, apparatus, or equipment used in connection
 692 | therewith, including boilers and pressure process piping and
 693 | including the installation of water, natural gas, liquefied
 694 | petroleum gas and related venting, and storm and sanitary sewer
 695 | lines; and water and sewer plants and substations. The scope of
 696 | work of the plumbing contractor also includes the design, if
 697 | ~~when~~ not prohibited by law, and installation, maintenance,
 698 | repair, alteration, or extension of air-piping, vacuum line
 699 | piping, oxygen line piping, nitrous oxide piping, and all
 700 | related medical gas systems; fire line standpipes and fire

701 sprinklers if ~~to the extent~~ authorized by law; ink and chemical
702 lines; fuel oil and gasoline piping and tank and pump
703 installation, except bulk storage plants; and pneumatic control
704 piping systems, all in ~~such~~ a manner that complies ~~as to comply~~
705 with all plans, specifications, codes, laws, and regulations
706 applicable. The scope of work of the plumbing contractor applies
707 ~~shall apply~~ to private property and public property, including
708 ~~shall include~~ any excavation work incidental thereto, and
709 includes ~~shall include~~ the work of the specialty plumbing
710 contractor. Such contractor shall subcontract, with a qualified
711 contractor in the field concerned, all other work incidental to
712 the work but which is specified ~~herein~~ as being the work of a
713 trade other than that of a plumbing contractor. ~~Nothing in~~ This
714 definition does not ~~shall be construed to~~ limit the scope of
715 work of any specialty contractor certified pursuant to s.
716 489.113(6), and does not. ~~Nothing in this definition shall be~~
717 ~~construed to~~ require certification or registration under this
718 part of any authorized employee of a public natural gas utility
719 or of a private natural gas utility regulated by the Public
720 Service Commission when disconnecting and reconnecting water
721 lines in the servicing or replacement of an existing water
722 heater.

723 (n) "Underground utility and excavation contractor" means
724 a contractor whose services are limited to the construction,
725 installation, and repair, on public or private property, whether
726 accomplished through open excavations or through other means,
727 including, but not limited to, directional drilling, auger
728 boring, jacking and boring, trenchless technologies, wet and dry

729 taps, grouting, and slip lining, of main sanitary sewer
730 collection systems, main water distribution systems, storm sewer
731 collection systems, and the continuation of utility lines from
732 the main systems to a point of termination up to and including
733 the meter location for the individual occupancy, sewer
734 collection systems at property line on residential or single-
735 occupancy commercial properties, or on multioccupancy properties
736 at manhole or wye lateral extended to an invert elevation as
737 engineered to accommodate future building sewers, water
738 distribution systems, or storm sewer collection systems at storm
739 sewer structures. However, an underground utility and excavation
740 contractor may install empty underground conduits in rights-of-
741 way, easements, platted rights-of-way in new site development,
742 and sleeves for parking lot crossings no smaller than 2 inches
743 in diameter if, ~~provided that~~ each conduit system installed is
744 designed by a licensed professional engineer or an authorized
745 employee of a municipality, county, or public utility and ~~that~~
746 the installation of ~~any~~ such conduit does not include
747 installation of any conductor wiring or connection to an
748 energized electrical system. An underground utility and
749 excavation contractor may ~~shall~~ not install ~~any~~ piping that is
750 an integral part of a fire protection system as defined in s.
751 633.021 beginning at the point where the piping is used
752 exclusively for such system.

753 (o) "Solar contractor" means a contractor whose services
754 consist of the installation, alteration, repair, maintenance,
755 relocation, or replacement of solar panels for potable solar
756 water heating systems, swimming pool solar heating systems, and

757 photovoltaic systems and any appurtenances, apparatus, or
 758 equipment used in connection therewith, whether public, private,
 759 or otherwise, regardless of use. A contractor, certified or
 760 registered pursuant to ~~the provisions of~~ this chapter, is not
 761 required to become a certified or registered solar contractor or
 762 to contract with a solar contractor in order to provide ~~any~~
 763 services enumerated in this paragraph that are within the scope
 764 of the services such contractors may render under this part.

765 (p) "Pollutant storage systems contractor" means a
 766 contractor whose services are limited to, and who has the
 767 experience, knowledge, and skill to install, maintain, repair,
 768 alter, extend, or design, if ~~when~~ not prohibited by law, and use
 769 materials and items used in the installation, maintenance,
 770 extension, and alteration of, pollutant storage tanks. Any
 771 person installing a pollutant storage tank shall perform such
 772 installation in accordance with the standards adopted pursuant
 773 to s. 376.303.

774 (q) "Glass and glazing contractor" means a contractor
 775 whose services are unlimited in the execution of contracts
 776 requiring the experience, knowledge, and skill to install,
 777 attach, maintain, repair, fabricate, alter, extend, or design,
 778 in residential and commercial applications without any height
 779 restrictions, all types of windows, glass, and mirrors, whether
 780 fixed or movable; swinging or sliding glass doors attached to
 781 existing walls, floors, columns, or other structural members of
 782 the building; glass holding or supporting mullions or horizontal
 783 bars; structurally anchored impact-resistant opening protection
 784 attached to existing building walls, floors, columns, or other

785 structural members of the building; prefabricated glass, metal,
 786 or plastic curtain walls; storefront frames or panels; shower
 787 and tub enclosures; metal fascias; and caulking incidental to
 788 such work and assembly.

789 (r)~~(q)~~ "Specialty contractor" means a contractor whose
 790 scope of work and responsibility is limited to a particular
 791 phase of construction established in a category adopted by board
 792 rule and whose scope is limited to a subset of the activities
 793 described in one of the paragraphs of this subsection.

794 Section 16. Paragraphs (b) and (c) of subsection (4) of
 795 section 489.107, Florida Statutes, are amended to read:

796 489.107 Construction Industry Licensing Board.—

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

799 (b) Division II is comprised of the roofing contractor,
 800 sheet metal contractor, air-conditioning contractor, mechanical
 801 contractor, pool contractor, plumbing contractor, and
 802 underground utility and excavation contractor members of the
 803 board; one of the members appointed pursuant to paragraph
 804 (2) (j); and one of the members appointed pursuant to paragraph
 805 (2) (k). Division II has jurisdiction over the regulation of
 806 contractors defined in s. 489.105(3) (d)-(q) ~~489.105(3) (d)-(p)~~.

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

811 Section 17. Paragraph (g) of subsection (2) of section
 812 489.141, Florida Statutes, is amended to read:

813 489.141 Conditions for recovery; eligibility.—

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

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

819 Section 18. Subsection (1) of section 514.028, Florida
820 Statutes, is amended to read:

821 514.028 Advisory review board.—

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

827 (a) A representative from the office of licensure and
828 certification of the department.

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

830 (c) Three representatives from the swimming pool
831 construction industry.

832 (d) A representative ~~Two representatives~~ from the public
833 lodging industry.

834 (e) A representative from a county or local building
835 department.

836 Section 19. Section 514.0315, Florida Statutes, is created
837 to read:

838 514.0315 Required safety features for public swimming
839 pools and spas.—

840 (1) A public swimming pool or spa must be equipped with an

841 anti-entrapment system or device that complies with American
842 Society of Mechanical Engineers/American National Standards
843 Institute standard A112.19.8, or any successor standard.

844 (2) A public swimming pool or spa with a single main drain
845 other than an unblockable drain must be equipped with at least
846 one of the following features that complies with any American
847 Society of Mechanical Engineers, American National Standards
848 Institute, American Standard for Testing and Materials, or other
849 applicable consumer product safety standard for such system or
850 device:

851 (a) A safety vacuum release system that ceases operation
852 of the pump, reverses the circulation flow, or otherwise
853 provides a vacuum release at a suction outlet when a blockage is
854 detected and that has been tested by an independent third party
855 and found to conform to American Society of Mechanical
856 Engineers/American National Standards Institute standard
857 A112.19.17, American Standard for Testing and Materials standard
858 F2387, or any successor standard.

859 (b) A suction-limiting vent system with a tamper-resistant
860 atmospheric opening.

861 (c) A gravity drainage system that uses a collector tank.

862 (d) An automatic pump shut-off system.

863 (e) A device or system that disables the drain.

864 (3) The determination and selection of a feature under
865 subsection (2) for a public swimming pool or spa constructed
866 before January 1, 1993, is at the sole discretion of the owner
867 or operator of the public swimming pool or spa.

868 Section 20. Subsection (3) of section 527.06, Florida

869 Statutes, is amended to read:

870 527.06 Rules.—

871 (3) (a) Rules in substantial conformity with the published
 872 standards of the National Fire Protection Association (NFPA) are
 873 ~~shall be~~ deemed to be in substantial conformity with the
 874 generally accepted standards of safety concerning the same
 875 subject matter.

876 (b) Notwithstanding any other law, the department or other
 877 state agency may not require compliance with the minimum
 878 separation distances of NFPA 58 for separation between a
 879 liquefied petroleum gas tank and a building, adjoining property
 880 line, other liquefied petroleum gas tank, or any source of
 881 ignition, except in compliance with the minimum separation
 882 distances of the 2011 edition of NFPA 58.

883 (c) If the department, the Florida Building Commission as
 884 part of the Florida Building Code, and the Office of the State
 885 Fire Marshal as part of the Florida Fire Prevention Code each
 886 adopt the minimum separation distances of the 2011 edition of
 887 NFPA 58 as rules, whether adopted by setting out the minimum
 888 separation distances in the text of the rules or through
 889 incorporation by reference, this subsection is repealed upon the
 890 last effective date of such rules.

891 Section 21. Subsection (11) of section 527.21, Florida
 892 Statutes, is amended to read:

893 527.21 Definitions relating to Florida Propane Gas
 894 Education, Safety, and Research Act.—As used in ss. 527.20-
 895 527.23, the term:

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

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

900 Section 22. Section 553.502, Florida Statutes, is amended
 901 to read:

902 553.502 Intent.—The purpose and intent of this part ~~ss.~~
 903 ~~553.501-553.513~~ is to incorporate into the law of this state the
 904 accessibility requirements of the Americans with Disabilities
 905 Act of 1990, as amended Pub. L. No. 101-336, 42 U.S.C. ss. 12101
 906 et seq., and to obtain and maintain United States Department of
 907 Justice certification of the Florida Accessibility Code for
 908 Building Construction as equivalent to federal standards for
 909 accessibility of buildings, structures, and facilities. All
 910 state laws, rules, standards, and codes governing facilities
 911 covered by the Americans with Disabilities Act Standards for
 912 Accessible Design guidelines shall be maintained to assure
 913 certification of the state's construction standards and codes.
 914 This part ~~Nothing in ss. 553.501-553.513~~ is not intended to
 915 expand or diminish the defenses available to a place of public
 916 accommodation or a commercial facility under the Americans with
 917 Disabilities Act and the standards ~~federal Americans with~~
 918 ~~Disabilities Act Accessibility Guidelines,~~ including, but not
 919 limited to, the readily achievable standard, and the standards
 920 applicable to alterations to private buildings or facilities as
 921 defined by the standards ~~places of public accommodation.~~

922 Section 23. Section 553.503, Florida Statutes, is amended
 923 to read:

924 553.503 Adoption of federal standards ~~guidelines.~~—Subject

925 to modifications under this part ~~the exceptions in s. 553.504,~~
 926 the federal Americans with Disabilities Act Standards for
 927 Accessible Design Accessibility Guidelines, and related
 928 regulations provided as adopted by reference in 28 C.F.R., parts
 929 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and
 930 Title II of Pub. L. No. 101-336, are hereby adopted and
 931 incorporated by reference as the law of this state and shall be
 932 incorporated into. ~~The guidelines shall establish the minimum~~
 933 ~~standards for the accessibility of buildings and facilities~~
 934 ~~built or altered within this state.~~ the 1997 Florida
 935 Accessibility Code for Building Construction and ~~must be~~ adopted
 936 by the Florida Building Commission in accordance with chapter
 937 120.

938 Section 24. Section 553.504, Florida Statutes, is amended
 939 to read:

940 553.504 Exceptions to applicability of the federal
 941 standards ~~guidelines.~~—Notwithstanding the adoption of the
 942 Americans with Disabilities Act Standards for Accessible Design
 943 pursuant to Accessibility Guidelines in s. 553.503, all
 944 buildings, structures, and facilities in this state must ~~shall~~
 945 meet the following additional requirements if such requirements
 946 ~~when they~~ provide increased accessibility:

947 (1) All new or altered public buildings and facilities,
 948 private buildings and facilities, places of public
 949 accommodation, and commercial facilities, as those terms are
 950 defined by the standards, subject to this part, ss. 553.501-
 951 553.513 which may be frequented in, lived in, or worked in by
 952 ~~the public~~ must ~~shall~~ comply with this part ~~ss. 553.501-553.513.~~

953 (2) All new single-family houses, duplexes, triplexes,
 954 condominiums, and townhouses shall provide at least one
 955 bathroom, located with maximum possible privacy, where bathrooms
 956 are provided on habitable grade levels, with a door that has a
 957 29-inch clear opening. However, if only a toilet room is
 958 provided at grade level, such toilet room must ~~shall~~ have a
 959 clear opening of at least ~~not less than~~ 29 inches.

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

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

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

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

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

979 ~~(c) Notwithstanding the requirements of reference 4.7.5 of~~
 980 ~~the guidelines, curb ramps located where pedestrians must use~~

981 ~~them and all curb ramps which are not protected by handrails or~~
 982 ~~guardrails shall have flared sides with a slope not exceeding a~~
 983 ~~ratio of 1 to 12.~~

984 (3)~~(6)~~ Notwithstanding the requirements in s. 404.2.9
 985 ~~reference 4.13.11 of the standards guidelines,~~ exterior hinged
 986 doors must ~~shall~~ be ~~so~~ designed so that such doors can be pushed
 987 or pulled open with a force not exceeding 8.5 foot pounds.

988 ~~(7) Notwithstanding the requirements in reference 4.33.1~~
 989 ~~of the guidelines, all public food service establishments, all~~
 990 ~~establishments licensed under the Beverage Law for consumption~~
 991 ~~on the premises, and all facilities governed by reference 4.1 of~~
 992 ~~the guidelines shall provide seating or spaces for seating in~~
 993 ~~accordance with the following requirements:~~

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

Capacity of Seating	Number of Required
In Assembly Areas	Wheelchair Locations
1 to 25	1
26 to 50	2
51 to 100	4

1000
 1001 ~~(b) For all remaining fixed seats, there shall be not less~~
 1002 ~~than one such accessible and usable space for each 100 fixed~~
 1003 ~~seats or fraction thereof.~~

1004 ~~(8) Notwithstanding the requirements in references 4.32.1-~~
 1005 ~~4.32.4 of the guidelines, all fixed seating in public food~~
 1006 ~~service establishments, in establishments licensed under the~~
 1007 ~~Beverage Law for consumption on the premises, and in all other~~
 1008 ~~facilities governed by reference 4.1 of the guidelines shall be~~
 1009 ~~designed and constructed in accordance with the following~~
 1010 ~~requirements:~~

1011 ~~(a) All aisles adjacent to fixed seating shall provide~~
 1012 ~~clear space for wheelchairs.~~

1013 ~~(b) Where there are open positions along both sides of~~
 1014 ~~such aisles, the aisles shall be not less than 52 inches wide.~~

1015 (4)~~(9)~~ In motels and hotels a number of rooms equaling at
 1016 least 5 percent of the guest rooms minus the number of
 1017 accessible rooms required by the standards ~~must~~ ~~guidelines~~ shall
 1018 provide the following special accessibility features:

1019 (a) Grab rails in bathrooms and toilet rooms that comply
 1020 with s. 604.5 ~~4.16.4~~ of the standards ~~guidelines~~.

1021 (b) All beds in designed accessible guest rooms must ~~shall~~
 1022 be an open-frame type that allows the ~~to permit~~ passage of lift
 1023 devices.

1024 (c) Water closets that comply with section 604.4 of the
 1025 standards. ~~All standard water closet seats shall be at a height~~
 1026 ~~of 15 inches, measured vertically from the finished floor to the~~
 1027 ~~top of the seat, with a variation of plus or minus 1/2 inch. A~~
 1028 ~~portable or attached raised toilet seat shall be provided in all~~
 1029 ~~designated handicapped accessible rooms.~~

1030
 1031 All buildings, structures, or facilities licensed as a hotel,

1032 motel, or condominium pursuant to chapter 509 are ~~shall be~~
 1033 subject to ~~the provisions of~~ this subsection. This subsection
 1034 does not relieve ~~Nothing in this subsection shall be construed~~
 1035 ~~as relieving~~ the owner of the responsibility of providing
 1036 accessible rooms in conformance with ss. 224 and 806 of the
 1037 standards 9.1-9.5 of the guidelines.

1038 ~~(10) Notwithstanding the requirements in reference 4.29.2~~
 1039 ~~of the guidelines, all detectable warning surfaces required by~~
 1040 ~~the guidelines shall be governed by the requirements of American~~
 1041 ~~National Standards Institute A117.1-1986.~~

1042 ~~(11) Notwithstanding the requirements in references 4.31.2~~
 1043 ~~and 4.31.3 of the guidelines, the installation and placement of~~
 1044 ~~all public telephones shall be governed by the rules of the~~
 1045 ~~Florida Public Service Commission.~~

1046 ~~(5)(12)~~ Notwithstanding ss. 213 and 604 of the standards
 1047 ~~the requirements in references 4.1.3(11) and 4.16-4.23 of the~~
 1048 ~~guidelines, required bathing rooms ~~restrooms~~ and toilet rooms in~~
 1049 new construction shall be designed and constructed in accordance
 1050 with the following ~~requirements:~~

1051 (a) The wheelchair standard ~~accessible toilet compartment~~
 1052 must ~~restroom stall~~ shall contain an accessible lavatory within
 1053 it, which must be at least ~~the size of such lavatory to be not~~
 1054 ~~less than~~ 19 inches wide by 17 inches deep, nominal size, and
 1055 wall-mounted. The lavatory shall be mounted so as not to overlap
 1056 the clear floor space areas required by s. 604 of the standards
 1057 ~~4.17 figure 30(a) of the guidelines~~ for the wheelchair standard
 1058 ~~accessible toilet compartment stall~~ and ~~to~~ comply with s. 606 of
 1059 the standards 4.19 of the guidelines. Such lavatories shall be

1060 counted as part of the required fixture count for the building.

1061 (b) The accessible water closet within the wheelchair
 1062 accessible toilet compartment must ~~shall~~ be located in the
 1063 corner, diagonal to the door.

1064 ~~(c) The accessible stall door shall be self-closing.~~

1065 ~~(13) All customer checkout aisles not required by the~~
 1066 ~~guidelines to be handicapped accessible shall have at least 32~~
 1067 ~~inches of clear passage.~~

1068 ~~(14) Turnstiles shall not be used in occupancies which~~
 1069 ~~serve fewer than 100 persons, but turnstiles may be used in~~
 1070 ~~occupancies which serve at least 100 persons if there is an~~
 1071 ~~unlocked alternate passageway on an accessible route affording~~
 1072 ~~not less than 32 inches of clearance, equipped with latching~~
 1073 ~~devices in accordance with the guidelines.~~

1074 (6) ~~(15)~~ Barriers at common or emergency entrances and
 1075 exits of business establishments conducting business with the
 1076 general public that are existing, under construction, or under
 1077 contract for construction which would prevent a person from
 1078 using such entrances or exits must ~~shall~~ be removed.

1079 Section 25. Section 553.5041, Florida Statutes, is amended
 1080 to read:

1081 553.5041 Parking spaces for persons who have
 1082 disabilities.—

1083 (1) This section is not intended to expand or diminish the
 1084 defenses available to a place of public accommodation under the
 1085 Americans with Disabilities Act and the federal Americans with
 1086 Disabilities Act Standards for Accessible Design Accessibility
 1087 ~~Guidelines~~, including, but not limited to, the readily

1088 | achievable standard, and the standards applicable to alterations
 1089 | to places of public accommodation and commercial facilities.
 1090 | Subject to the exceptions described in subsections (2), (4),
 1091 | (5), and (6), if ~~when~~ the parking and loading zone requirements
 1092 | of the federal standards and related regulations ~~Americans with~~
 1093 | ~~Disabilities Act Accessibility Guidelines (ADAAG), as adopted by~~
 1094 | ~~reference in 28 C.F.R. part 36, subparts A and D, and Title II~~
 1095 | ~~of Pub. L. No. 101-336,~~ provide increased accessibility, those
 1096 | requirements are adopted and incorporated by reference as the
 1097 | law of this state.

1098 | (2) State agencies and political subdivisions having
 1099 | jurisdiction over street parking or publicly owned or operated
 1100 | parking facilities are not required to provide a greater right-
 1101 | of-way width than would otherwise be planned under regulations,
 1102 | guidelines, or practices normally applied to new development.

1103 | (3) Designated accessible ~~If parking spaces are provided~~
 1104 | ~~for self-parking by employees or visitors, or both, accessible~~
 1105 | ~~spaces shall be provided in each such parking area. Such spaces~~
 1106 | shall be designed and marked for the exclusive use of ~~those~~
 1107 | individuals who have a severe physical disability and have
 1108 | permanent or temporary mobility problems that substantially
 1109 | impair their ability to ambulate and who have been issued ~~either~~
 1110 | a disabled parking permit under s. 316.1958 or s. 320.0848 or a
 1111 | license plate under s. 320.084, s. 320.0842, s. 320.0843, or s.
 1112 | 320.0845.

1113 | (4) The number of accessible parking spaces must comply
 1114 | with the parking requirements in ~~ADAAG~~ s. 208 of the standards
 1115 | ~~4.1~~ and the following:

1116 (a) There must be one accessible parking space in the
 1117 immediate vicinity of a publicly owned or leased building that
 1118 houses a governmental entity or a political subdivision,
 1119 including, but not limited to, state office buildings and
 1120 courthouses, if ~~no~~ parking for the public is not provided on the
 1121 premises of the building.

1122 (b) There must be one accessible parking space for each
 1123 150 metered on-street parking spaces provided by state agencies
 1124 and political subdivisions.

1125 (c) The number of parking spaces for persons who have
 1126 disabilities must be increased on the basis of demonstrated and
 1127 documented need.

1128 (5) Accessible perpendicular and diagonal accessible
 1129 parking spaces and loading zones must be designed and located to
 1130 conform to ~~in conformance with the guidelines set forth in ADAAG~~
 1131 ~~ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s.~~
 1132 ~~A4.6.3 "Universal Parking Design."~~

1133 (a) All spaces must be located on an accessible route that
 1134 is at least ~~no less than~~ 44 inches wide so that users are ~~will~~
 1135 ~~be~~ compelled to walk or wheel behind parked vehicles except
 1136 behind his or her own vehicle.

1137 (b) ~~Each space must be located on the shortest safely~~
 1138 ~~accessible route from the parking space to an accessible~~
 1139 ~~entrance.~~ If there are multiple entrances or multiple retail
 1140 stores, the parking spaces must be dispersed to provide parking
 1141 at the nearest accessible entrance. If a theme park or an
 1142 entertainment complex as defined in s. 509.013(9) provides
 1143 parking in several lots or areas from which access to the theme

1144 park or entertainment complex is provided, a single lot or area
1145 may be designated for parking by persons who have disabilities,
1146 if the lot or area is located on the shortest ~~safely~~ accessible
1147 route to an accessible entrance to the theme park or
1148 entertainment complex or to transportation to such an accessible
1149 entrance.

1150 (c)1. Each parking space must be at least ~~no less than~~ 12
1151 feet wide. Parking access aisles must be at least ~~no less than~~ 5
1152 feet wide and must be part of an accessible route to the
1153 building or facility entrance. ~~In accordance with ADAAG s.~~
1154 ~~4.6.3, access aisles must be placed adjacent to accessible~~
1155 ~~parking spaces; however, two accessible parking spaces may share~~
1156 ~~a common access aisle.~~ The access aisle must be striped
1157 diagonally to designate it as a no-parking zone.

1158 2. The parking access aisles are reserved for the
1159 temporary exclusive use of persons who have disabled parking
1160 permits and who require extra space to deploy a mobility device,
1161 lift, or ramp in order to exit from or enter a vehicle. Parking
1162 is not allowed in an access aisle. Violators are subject to the
1163 same penalties ~~that are~~ imposed for illegally parking in parking
1164 spaces that are designated for persons who have disabilities. A
1165 vehicle may not be parked in an access aisle, even if the
1166 vehicle owner or passenger is disabled or owns a disabled
1167 parking permit.

1168 3. Notwithstanding any other provision of this subsection
1169 ~~to the contrary notwithstanding~~, a theme park or an
1170 entertainment complex as defined in s. 509.013~~(9)~~ in which ~~are~~
1171 ~~provided~~ continuous attendant services are provided for

1172 directing individuals to marked accessible parking spaces or
1173 designated lots for parking by persons who have disabilities,
1174 may, in lieu of the required parking space design, provide
1175 parking spaces that comply with ~~ADAAG~~ ss. 208 and 502 of the
1176 standards 4.1 and 4.6.

1177 (d) On-street parallel parking spaces ~~must be located~~
1178 ~~either at the beginning or end of a block or adjacent to alley~~
1179 ~~entrances. Such spaces must be designed to conform to in~~
1180 ~~conformance with the guidelines set forth in ADAAG ss. 208 and~~
1181 ~~502 of the standards, except that 4.6.2 through 4.6.5,~~
1182 ~~exception:~~ access aisles are not required. Curbs adjacent to
1183 such spaces must be of a height that does ~~will~~ not interfere
1184 with the opening and closing of motor vehicle doors. This
1185 subsection does not relieve the owner of the responsibility to
1186 comply with the parking requirements of ~~ADAAG~~ ss. 208 and 502 of
1187 the standards 4.1 and 4.6.

1188 (e) ~~Parallel parking spaces must be even with surface~~
1189 ~~slopes, may match the grade of the adjacent travel lane, and~~
1190 ~~must not exceed a cross slope of 1 to 50, where feasible.~~

1191 (f) ~~Curb ramps must be located outside of the disabled~~
1192 ~~parking spaces and access aisles.~~

1193 (e) ~~(g)~~1. The removal of architectural barriers from a
1194 parking facility in accordance with 28 C.F.R. s. 36.304 or with
1195 s. 553.508 must comply with this section unless compliance would
1196 cause the barrier removal not to be readily achievable. If
1197 compliance would cause the barrier removal not to be readily
1198 achievable, a facility may provide parking spaces at alternative
1199 locations for persons who have disabilities and provide

1200 appropriate signage directing such persons ~~who have disabilities~~
 1201 to the alternative parking if readily achievable. The facility
 1202 may not reduce the required number or dimensions of those spaces
 1203 ~~or, nor may it~~ unreasonably increase the length of the
 1204 accessible route from a parking space to the facility. The
 1205 removal of an architectural barrier must not create a
 1206 significant risk to the health or safety of a person who has a
 1207 disability or to ~~that of~~ others.

1208 2. A facility that is making alterations under s.
 1209 553.507(2) (b) must comply with this section to the maximum
 1210 extent feasible. If compliance with parking location
 1211 requirements is not feasible, the facility may provide parking
 1212 spaces at alternative locations for persons who have
 1213 disabilities and provide appropriate signage directing such
 1214 persons ~~who have a disability~~ to alternative parking. The
 1215 facility may not reduce the required number or dimensions of
 1216 those spaces, or ~~nor may it~~ unnecessarily increase the length of
 1217 the accessible route from a parking space to the facility. The
 1218 alteration must not create a significant risk to the health or
 1219 safety of a person who has a disability or to ~~that of~~ others.

1220 (6) Each such parking space must be striped in a manner
 1221 that is consistent with the standards of the controlling
 1222 jurisdiction for other spaces and prominently outlined with blue
 1223 paint, and must be repainted when necessary, to be clearly
 1224 distinguishable as a parking space designated for persons who
 1225 have disabilities. The space ~~and~~ must be posted with a permanent
 1226 above-grade sign of a color and design approved by the
 1227 Department of Transportation, which is placed on or at least 60

1228 inches above the finished floor or ground surface measured to
 1229 the bottom of the sign ~~a distance of 84 inches above the ground~~
 1230 ~~to the bottom of the sign~~ and which bears the international
 1231 symbol of accessibility meeting the requirements of ~~ADAAG~~ s.
 1232 703.7.2.1 of the standards 4.30.7 and the caption "PARKING BY
 1233 DISABLED PERMIT ONLY." Such a sign erected after October 1,
 1234 1996, must indicate the penalty for illegal use of the space.
 1235 Notwithstanding any other provision of this section ~~to the~~
 1236 ~~contrary notwithstanding~~, in a theme park or an entertainment
 1237 complex as defined in s. 509.013~~(9)~~ in which accessible parking
 1238 is located in designated lots or areas, the signage indicating
 1239 the lot as reserved for accessible parking may be located at the
 1240 entrances to the lot in lieu of a sign at each parking place.
 1241 This subsection does not relieve the owner of the responsibility
 1242 of complying with the signage requirements of ~~ADAAG~~ s. 502.6 of
 1243 the standards 4.30.

1244 Section 26. Section 553.505, Florida Statutes, is amended
 1245 to read:

1246 553.505 Exceptions to applicability of the Americans with
 1247 Disabilities Act.—Notwithstanding the Americans with
 1248 Disabilities Act of 1990, private clubs are governed by this
 1249 part ss. 553.501-553.513. ~~Parking spaces, parking lots, and~~
 1250 ~~other parking facilities are governed by s. 553.5041 when that~~
 1251 ~~section provides increased accessibility.~~

1252 Section 27. Section 553.506, Florida Statutes, is amended
 1253 to read:

1254 553.506 Powers of the commission.—In addition to any other
 1255 authority vested in the Florida Building Commission by law, the

1256 commission, in implementing this part ~~ss. 553.501-553.513~~, may,
 1257 by rule, adopt revised and updated versions of the Americans
 1258 with Disabilities Act Standards for Accessible Design
 1259 ~~Accessibility Guidelines~~ in accordance with chapter 120.

1260 Section 28. Section 553.507, Florida Statutes, is amended
 1261 to read:

1262 553.507 Applicability Exemptions.—This part applies to
 1263 ~~Sections 553.501-553.513 do not apply to any of the following:~~

1264 (1) All areas of newly designed and newly constructed
 1265 buildings and facilities as determined by the federal standards
 1266 established and adopted pursuant to s. 553.503. ~~Buildings,~~
 1267 ~~structures, or facilities that were either under construction or~~
 1268 ~~under contract for construction on October 1, 1997.~~

1269 (2) Portions of altered buildings and facilities as
 1270 determined by the federal standards established and adopted
 1271 pursuant to s. 553.503. ~~Buildings, structures, or facilities~~
 1272 ~~that were in existence on October 1, 1997, unless:~~

1273 ~~(a) The building, structure, or facility is being~~
 1274 ~~converted from residential to nonresidential or mixed use, as~~
 1275 ~~defined by local law;~~

1276 ~~(b) The proposed alteration or renovation of the building,~~
 1277 ~~structure, or facility will affect usability or accessibility to~~
 1278 ~~a degree that invokes the requirements of s. 303(a) of the~~
 1279 ~~Americans with Disabilities Act of 1990; or~~

1280 ~~(c) The original construction or any former alteration or~~
 1281 ~~renovation of the building, structure, or facility was carried~~
 1282 ~~out in violation of applicable permitting law.~~

1283 (3) A building or facility that is being converted from

1284 residential to nonresidential or mixed use as defined by the
 1285 Florida Building Code. Such building or facility must, at a
 1286 minimum, comply with s. 553.508 and the requirements for
 1287 alterations as determined by the federal standards established
 1288 and adopted pursuant to s. 553.503.

1289 (4) Buildings and facilities where the original
 1290 construction or any former alteration or renovation was carried
 1291 out in violation of applicable permitting law.

1292 Section 29. Section 553.509, Florida Statutes, is amended
 1293 to read:

1294 553.509 Vertical accessibility.—

1295 (1) This part and the Americans with Disabilities Act
 1296 Standards for Accessible Design do not ~~Nothing in ss. 553.501-~~
 1297 ~~553.513 or the guidelines shall be construed to~~ relieve the
 1298 owner of any building, structure, or facility governed by this
 1299 part ~~those sections~~ from the duty to provide vertical
 1300 accessibility to all levels above and below the occupiable grade
 1301 level, regardless of whether the standards ~~guidelines~~ require an
 1302 elevator to be installed in such building, structure, or
 1303 facility, except for:

1304 (a) Elevator pits, elevator penthouses, mechanical rooms,
 1305 piping or equipment catwalks, and automobile lubrication and
 1306 maintenance pits and platforms. ~~†~~

1307 (b) Unoccupiable spaces, such as rooms, enclosed spaces,
 1308 and storage spaces that are not designed for human occupancy,
 1309 for public accommodations, or for work areas. ~~† and~~

1310 (c) Occupiable spaces and rooms that are not open to the
 1311 public and that house no more than five persons, including, but

1312 not limited to, equipment control rooms and projection booths.

1313 (d) Theaters, concert halls, and stadiums, or other large
1314 assembly areas that have stadium-style seating or tiered seating
1315 if ss. 221 and 802 of the standards are met.

1316 (e) All play and recreation areas if the requirements of
1317 chapter 10 of the standards are met.

1318 (f) All employee areas as exempted in s. 203.9 of the
1319 standards.

1320 (g) Facilities, sites, and spaces exempted by s. 203 of
1321 the standards.

1322 ~~(2) (a) Any person, firm, or corporation that owns,~~
1323 ~~manages, or operates a residential multifamily dwelling,~~
1324 ~~including a condominium, that is at least 75 feet high and~~
1325 ~~contains a public elevator, as described in s. 399.035(2) and~~
1326 ~~(3) and rules adopted by the Florida Building Commission, shall~~
1327 ~~have at least one public elevator that is capable of operating~~
1328 ~~on an alternate power source for emergency purposes. Alternate~~
1329 ~~power shall be available for the purpose of allowing all~~
1330 ~~residents access for a specified number of hours each day over a~~
1331 ~~5-day period following a natural disaster, manmade disaster,~~
1332 ~~emergency, or other civil disturbance that disrupts the normal~~
1333 ~~supply of electricity. The alternate power source that controls~~
1334 ~~elevator operations must also be capable of powering any~~
1335 ~~connected fire alarm system in the building.~~

1336 ~~(b) At a minimum, the elevator must be appropriately~~
1337 ~~rewired and prepared to accept an alternate power source and~~
1338 ~~must have a connection on the line side of the main disconnect,~~
1339 ~~pursuant to National Electric Code Handbook, Article 700. In~~

1340 ~~addition to the required power source for the elevator and~~
1341 ~~connected fire alarm system in the building, the alternate power~~
1342 ~~supply must be sufficient to provide emergency lighting to the~~
1343 ~~interior lobbies, hallways, and other portions of the building~~
1344 ~~used by the public. Residential multifamily dwellings must have~~
1345 ~~an available generator and fuel source on the property or have~~
1346 ~~proof of a current contract posted in the elevator machine room~~
1347 ~~or other place conspicuous to the elevator inspector affirming a~~
1348 ~~current guaranteed service contract for such equipment and fuel~~
1349 ~~source to operate the elevator on an on-call basis within 24~~
1350 ~~hours after a request. By December 31, 2006, any person, firm or~~
1351 ~~corporation that owns, manages, or operates a residential~~
1352 ~~multifamily dwelling as defined in paragraph (a) must provide to~~
1353 ~~the local building inspection agency verification of engineering~~
1354 ~~plans for residential multifamily dwellings that provide for the~~
1355 ~~capability to generate power by alternate means. Compliance with~~
1356 ~~installation requirements and operational capability~~
1357 ~~requirements must be verified by local building inspectors and~~
1358 ~~reported to the county emergency management agency by December~~
1359 ~~31, 2007.~~

1360 ~~(c) Each newly constructed residential multifamily~~
1361 ~~dwelling, including a condominium, that is at least 75 feet high~~
1362 ~~and contains a public elevator, as described in s. 399.035(2)~~
1363 ~~and (3) and rules adopted by the Florida Building Commission,~~
1364 ~~must have at least one public elevator that is capable of~~
1365 ~~operating on an alternate power source for the purpose of~~
1366 ~~allowing all residents access for a specified number of hours~~
1367 ~~each day over a 5-day period following a natural disaster,~~

1368 ~~manmade disaster, emergency, or other civil disturbance that~~
1369 ~~disrupts the normal supply of electricity. The alternate power~~
1370 ~~source that controls elevator operations must be capable of~~
1371 ~~powering any connected fire alarm system in the building. In~~
1372 ~~addition to the required power source for the elevator and~~
1373 ~~connected fire alarm system, the alternate power supply must be~~
1374 ~~sufficient to provide emergency lighting to the interior~~
1375 ~~lobbies, hallways, and other portions of the building used by~~
1376 ~~the public. Engineering plans and verification of operational~~
1377 ~~capability must be provided by the local building inspector to~~
1378 ~~the county emergency management agency before occupancy of the~~
1379 ~~newly constructed building.~~

1380 ~~(d) Each person, firm, or corporation that is required to~~
1381 ~~maintain an alternate power source under this subsection shall~~
1382 ~~maintain a written emergency operations plan that details the~~
1383 ~~sequence of operations before, during, and after a natural or~~
1384 ~~manmade disaster or other emergency situation. The plan must~~
1385 ~~include, at a minimum, a lifesafety plan for evacuation,~~
1386 ~~maintenance of the electrical and lighting supply, and~~
1387 ~~provisions for the health, safety, and welfare of the residents.~~
1388 ~~In addition, the owner, manager, or operator of the residential~~
1389 ~~multifamily dwelling must keep written records of any contracts~~
1390 ~~for alternative power generation equipment. Also, quarterly~~
1391 ~~inspection records of lifesafety equipment and alternate power~~
1392 ~~generation equipment must be posted in the elevator machine room~~
1393 ~~or other place conspicuous to the elevator inspector, which~~
1394 ~~confirm that such equipment is properly maintained and in good~~
1395 ~~working condition, and copies of contracts for alternate power~~

1396 ~~generation equipment shall be maintained on site for~~
 1397 ~~verification. The written emergency operations plan and~~
 1398 ~~inspection records shall also be open for periodic inspection by~~
 1399 ~~local and state government agencies as deemed necessary. The~~
 1400 ~~owner or operator must keep a generator key in a lockbox posted~~
 1401 ~~at or near any installed generator unit.~~

1402 ~~(c) Multistory affordable residential dwellings for~~
 1403 ~~persons age 62 and older that are financed or insured by the~~
 1404 ~~United States Department of Housing and Urban Development must~~
 1405 ~~make every effort to obtain grant funding from the Federal~~
 1406 ~~Government or the Florida Housing Finance Corporation to comply~~
 1407 ~~with this subsection. If an owner of such a residential dwelling~~
 1408 ~~cannot comply with the requirements of this subsection, the~~
 1409 ~~owner must develop a plan with the local emergency management~~
 1410 ~~agency to ensure that residents are evacuated to a place of~~
 1411 ~~safety in the event of a power outage resulting from a natural~~
 1412 ~~or manmade disaster or other emergency situation that disrupts~~
 1413 ~~the normal supply of electricity for an extended period of time.~~
 1414 ~~A place of safety may include, but is not limited to, relocation~~
 1415 ~~to an alternative site within the building or evacuation to a~~
 1416 ~~local shelter.~~

1417 ~~(f) As a part of the annual elevator inspection required~~
 1418 ~~under s. 399.061, certified elevator inspectors shall confirm~~
 1419 ~~that all installed generators required by this chapter are in~~
 1420 ~~working order, have current inspection records posted in the~~
 1421 ~~elevator machine room or other place conspicuous to the elevator~~
 1422 ~~inspector, and that the required generator key is present in the~~
 1423 ~~lockbox posted at or near the installed generator. If a building~~

1424 ~~does not have an installed generator, the inspector shall~~
1425 ~~confirm that the appropriate rewiring and switching~~
1426 ~~capabilities are present and that a statement is posted in the~~
1427 ~~elevator machine room or other place conspicuous to the elevator~~
1428 ~~inspector affirming a current guaranteed contract exists for~~
1429 ~~contingent services for alternate power is current for the~~
1430 ~~operating period.~~

1431 (2) However, buildings, structures, and facilities must,
1432 as a minimum, comply with the ~~requirements in the~~ Americans with
1433 Disabilities Act Standards for Accessible Design Accessibility
1434 Guidelines.

1435 Section 30. Consistent with the federal implementation of
1436 the 2010 Americans with Disabilities Act Standards for
1437 Accessible Design, buildings and facilities in this state may be
1438 designed in conformity with the 2010 standards if the design
1439 also complies with Florida-specific requirements provided in
1440 part II of chapter 553, Florida Statutes, until the Florida
1441 Accessibility Code for Building Construction is updated to
1442 implement the changes to part II of chapter 553, Florida
1443 Statutes, as provided by this Act.

1444 Section 31. Effective January 1, 2012, subsections (3),
1445 (7), (8), and (9) and paragraph (h) of subsection (10) of
1446 section 553.73, Florida Statutes, are amended to read:

1447 553.73 Florida Building Code.—

1448 (3) The commission shall use the International Codes
1449 published by the International Code Council, the National
1450 Electric Code (NFPA 70), or other nationally adopted model codes
1451 and standards needed to develop the base code in Florida select

1452 ~~from available national or international model building codes,~~
 1453 ~~or other available building codes and standards currently~~
 1454 ~~recognized by the laws of this state,~~ to form the foundation for
 1455 the Florida Building Code. ~~The commission may modify the~~
 1456 ~~selected model codes and standards as needed to accommodate the~~
 1457 ~~specific needs of this state. Standards or criteria referenced~~
 1458 ~~by the selected model codes shall be similarly incorporated by~~
 1459 ~~reference. If a referenced standard or criterion requires~~
 1460 ~~amplification or modification to be appropriate for use in this~~
 1461 ~~state, only the amplification or modification shall be~~
 1462 ~~specifically set forth in the Florida Building Code.~~ The Florida
 1463 Building Commission may approve technical amendments to the
 1464 code, subject to ~~the requirements of~~ subsections (8) and (9),
 1465 after the amendments have been subject to the following
 1466 conditions:

1467 (a) The proposed amendment has been published on the
 1468 commission's website for a minimum of 45 days and all the
 1469 associated documentation has been made available to any
 1470 interested party before any consideration by a ~~any~~ Technical
 1471 Advisory Committee;

1472 (b) In order for a Technical Advisory Committee to make a
 1473 favorable recommendation to the commission, the proposal must
 1474 receive a three-fourths vote of the members present at the
 1475 Technical Advisory Committee meeting and at least half of the
 1476 regular members must be present in order to conduct a meeting;

1477 (c) After Technical Advisory Committee consideration and a
 1478 recommendation for approval of any proposed amendment, the
 1479 proposal must be published on the commission's website for at

1480 least ~~not less than~~ 45 days before any consideration by the
1481 commission; and

1482 (d) A ~~Any~~ proposal may be modified by the commission based
1483 on public testimony and evidence from a public hearing held in
1484 accordance with chapter 120.

1485
1486 The commission shall incorporate within sections of the Florida
1487 Building Code provisions which address regional and local
1488 concerns and variations. The commission shall make every effort
1489 to minimize conflicts between the Florida Building Code, the
1490 Florida Fire Prevention Code, and the Life Safety Code.

1491 (7) (a) The commission, by rule adopted pursuant to ss.
1492 120.536(1) and 120.54, shall update the Florida Building Code
1493 every 3 years. When updating the Florida Building Code, the
1494 commission shall select the most current version of the
1495 International Building Code, the International Fuel Gas Code,
1496 the International Mechanical Code, the International Plumbing
1497 Code, and the International Residential Code, all of which are
1498 adopted by the International Code Council, and the National
1499 Electrical Code, which is adopted by the National Fire
1500 Protection Association, to form the foundation codes of the
1501 updated Florida Building Code, if the version has been adopted
1502 by the applicable model code entity. The commission shall select
1503 the most current version of the International Energy
1504 Conservation Code (IECC) as a foundation code; however, the IECC
1505 shall be modified by the commission to maintain the efficiencies
1506 of the Florida Energy Efficiency Code for Building Construction
1507 adopted and amended pursuant to s. 553.901.

1508 (b) Codes regarding noise contour lines shall be reviewed
1509 annually, and the most current federal guidelines shall be
1510 adopted.

1511 (c) The commission may modify any portion of the
1512 foundation codes only as needed to accommodate the specific
1513 needs of this state, ~~maintaining Florida-specific amendments~~
1514 ~~previously adopted by the commission and not addressed by the~~
1515 ~~updated foundation code~~. Standards or criteria referenced by the
1516 codes shall be incorporated by reference. If a referenced
1517 standard or criterion requires amplification or modification to
1518 be appropriate for use in this state, only the amplification or
1519 modification shall be set forth in the Florida Building Code.
1520 The commission may approve technical amendments to the updated
1521 Florida Building Code after the amendments have been subject to
1522 the conditions set forth in paragraphs (3) (a)-(d). Amendments to
1523 the foundation codes which are adopted in accordance with this
1524 subsection shall be clearly marked in printed versions of the
1525 Florida Building Code so that the fact that the provisions are
1526 Florida-specific amendments to the foundation codes is readily
1527 apparent.

1528 (d) The commission shall further consider the commission's
1529 own interpretations, declaratory statements, appellate
1530 decisions, and approved statewide and local technical amendments
1531 and shall incorporate such interpretations, statements,
1532 decisions, and amendments into the updated Florida Building Code
1533 only to the extent that they are needed to modify the foundation
1534 codes to accommodate the specific needs of the state. A change
1535 made by an institute or standards organization to any standard

1536 or criterion that is adopted by reference in the Florida
 1537 Building Code does not become effective statewide until it has
 1538 been adopted by the commission. Furthermore, the edition of the
 1539 Florida Building Code which is in effect on the date of
 1540 application for any permit authorized by the code governs the
 1541 permitted work for the life of the permit and any extension
 1542 granted to the permit.

1543 (e) A rule updating the Florida Building Code in
 1544 accordance with this subsection shall take effect no sooner than
 1545 6 months after publication of the updated code. Any amendment to
 1546 the Florida Building Code which is adopted upon a finding by the
 1547 commission that the amendment is necessary to protect the public
 1548 from immediate threat of harm takes effect immediately.

1549 (f) Provisions of the foundation codes, including those
 1550 contained in referenced standards and criteria, relating to wind
 1551 resistance or the prevention of water intrusion may not be
 1552 modified to diminish those construction requirements; however,
 1553 the commission may, subject to conditions in this subsection,
 1554 modify the provisions to enhance those construction
 1555 requirements.

1556 (g) Amendments or modifications to the foundation code
 1557 pursuant to this subsection shall remain effective only until
 1558 the effective date of a new edition of the Florida Building Code
 1559 every third year. Amendments or modifications related to state
 1560 agency regulations which are adopted and integrated into an
 1561 edition of the Florida Building Code shall be carried forward
 1562 into the next edition of the code, subject to modification as
 1563 provided in this part. If amendments that expire pursuant to

1564 this paragraph are resubmitted through the Florida Building
 1565 Commission code adoption process, the amendments must
 1566 specifically address whether:

1567 1. The provisions contained in the proposed amendment are
 1568 addressed in the applicable international code.

1569 2. The amendment demonstrates by evidence or data that the
 1570 geographical jurisdiction of Florida exhibits a need to
 1571 strengthen the foundation code beyond the needs or regional
 1572 variations addressed by the foundation code, and why the
 1573 proposed amendment applies to this state.

1574 3. The proposed amendment was submitted or attempted to be
 1575 included in the foundation codes to avoid resubmission to the
 1576 Florida Building Code amendment process.

1577
 1578 If the proposed amendment has been addressed in the
 1579 international code in a substantially equivalent manner, the
 1580 Florida Building Commission may not include the proposed
 1581 amendment in the foundation code.

1582 (8) Notwithstanding the provisions of subsection (3) or
 1583 subsection (7), the commission may address issues identified in
 1584 this subsection by amending the code pursuant only to the rule
 1585 adoption procedures contained in chapter 120. Provisions of the
 1586 Florida Building Code, including those contained in referenced
 1587 standards and criteria, relating to wind resistance or the
 1588 prevention of water intrusion may not be amended pursuant to
 1589 this subsection to diminish those construction requirements;
 1590 however, the commission may, subject to conditions in this
 1591 subsection, amend the provisions to enhance those construction

1592 requirements. Following the approval of any amendments to the
 1593 Florida Building Code by the commission and publication of the
 1594 amendments on the commission's website, authorities having
 1595 jurisdiction to enforce the Florida Building Code may enforce
 1596 the amendments. The commission may approve amendments that are
 1597 needed to address:

1598 (a) Conflicts within the updated code;

1599 (b) Conflicts between the updated code and the Florida
 1600 Fire Prevention Code adopted pursuant to chapter 633;

1601 ~~(c) The omission of previously adopted Florida-specific~~
 1602 ~~amendments to the updated code if such omission is not supported~~
 1603 ~~by a specific recommendation of a technical advisory committee~~
 1604 ~~or particular action by the commission;~~

1605 (c) ~~(d)~~ Unintended results from the integration of
 1606 previously adopted Florida-specific amendments with the model
 1607 code;

1608 (d) ~~(e)~~ Equivalency of standards;

1609 (e) ~~(f)~~ Changes to or inconsistencies with federal or state
 1610 law; or

1611 (f) ~~(g)~~ Adoption of an updated edition of the National
 1612 Electrical Code if the commission finds that delay of
 1613 implementing the updated edition causes undue hardship to
 1614 stakeholders or otherwise threatens the public health, safety,
 1615 and welfare.

1616 (9) (a) The commission may approve technical amendments to
 1617 the Florida Building Code once each year for statewide or
 1618 regional application upon a finding that the amendment:

1619 1. Is needed in order to accommodate the specific needs of

1620 | this state.

1621 | 2. Has a reasonable and substantial connection with the
1622 | health, safety, and welfare of the general public.

1623 | 3. Strengthens or improves the Florida Building Code, or
1624 | in the case of innovation or new technology, will provide
1625 | equivalent or better products or methods or systems of
1626 | construction.

1627 | 4. Does not discriminate against materials, products,
1628 | methods, or systems of construction of demonstrated
1629 | capabilities.

1630 | 5. Does not degrade the effectiveness of the Florida
1631 | Building Code.

1632 |

1633 | ~~Furthermore,~~ The Florida Building Commission may approve
1634 | technical amendments to the code once each year to incorporate
1635 | into the Florida Building Code its own interpretations of the
1636 | code which are embodied in its opinions, final orders,
1637 | declaratory statements, and interpretations of hearing officer
1638 | panels under s. 553.775(3)(c), but ~~shall do so~~ only to the
1639 | extent that the incorporation of interpretations is needed to
1640 | modify the foundation codes to accommodate the specific needs of
1641 | this state. Amendments approved under this paragraph shall be
1642 | adopted by rule ~~pursuant to ss. 120.536(1) and 120.54,~~ after the
1643 | amendments have been subjected to ~~the provisions of~~ subsection
1644 | (3).

1645 | (b) A proposed amendment must ~~shall~~ include a fiscal
1646 | impact statement that ~~which~~ documents the costs and benefits of
1647 | the proposed amendment. Criteria for the fiscal impact statement

1648 shall be established by rule by the commission and shall include
1649 the impact to local government relative to enforcement, the
1650 impact to property and building owners, and the impact as well
1651 ~~as~~ to industry, relative to the cost of compliance. The
1652 amendment must demonstrate by evidence or data that the state's
1653 geographical jurisdiction exhibits a need to strengthen the
1654 foundation code beyond the needs or regional variations
1655 addressed by the foundation code and why the proposed amendment
1656 applies to this state.

1657 (c) The commission may not approve any proposed amendment
1658 that does not accurately and completely address all requirements
1659 for amendment which are set forth in this section. The
1660 commission shall require all proposed amendments and information
1661 submitted with proposed amendments to be reviewed by commission
1662 staff prior to consideration by any technical advisory
1663 committee. These reviews shall be for sufficiency only and are
1664 not intended to be qualitative in nature. Staff members shall
1665 reject any proposed amendment that fails to include a fiscal
1666 impact statement. Proposed amendments rejected by members of the
1667 staff may not be considered by the commission or any technical
1668 advisory committee.

1669 (d) Provisions of the Florida Building Code, including
1670 those contained in referenced standards and criteria, relating
1671 to wind resistance or the prevention of water intrusion may not
1672 be amended pursuant to this subsection to diminish those
1673 construction requirements; however, the commission may, subject
1674 to conditions in this subsection, amend the provisions to
1675 enhance those construction requirements.

1676 (10) The following buildings, structures, and facilities
1677 are exempt from the Florida Building Code as provided by law,
1678 and any further exemptions shall be as determined by the
1679 Legislature and provided by law:

1680 (h) Storage sheds that are not designed for human
1681 habitation and that have a floor area of 720 square feet or less
1682 are not required to comply with the mandatory wind-borne-debris-
1683 impact standards of the Florida Building Code. In addition, such
1684 buildings that are 400 square feet or less and that are intended
1685 for use in conjunction with one- and two-family residences are
1686 not subject to the door height and width requirements of the
1687 Florida Building Code.

1688
1689 With the exception of paragraphs (a), (b), (c), and (f), in
1690 order to preserve the health, safety, and welfare of the public,
1691 the Florida Building Commission may, by rule adopted pursuant to
1692 chapter 120, provide for exceptions to the broad categories of
1693 buildings exempted in this section, including exceptions for
1694 application of specific sections of the code or standards
1695 adopted therein. The Department of Agriculture and Consumer
1696 Services shall have exclusive authority to adopt by rule,
1697 pursuant to chapter 120, exceptions to nonresidential farm
1698 buildings exempted in paragraph (c) when reasonably necessary to
1699 preserve public health, safety, and welfare. The exceptions must
1700 be based upon specific criteria, such as under-roof floor area,
1701 aggregate electrical service capacity, HVAC system capacity, or
1702 other building requirements. Further, the commission may
1703 recommend to the Legislature additional categories of buildings,

1704 structures, or facilities which should be exempted from the
 1705 Florida Building Code, to be provided by law. The Florida
 1706 Building Code does not apply to temporary housing provided by
 1707 the Department of Corrections to any prisoner in the state
 1708 correctional system.

1709 Section 32. Paragraph (v) of subsection (1) of section
 1710 553.74, Florida Statutes, is amended to read:

1711 553.74 Florida Building Commission.—

1712 (1) The Florida Building Commission is created and shall
 1713 be located within the Department of Community Affairs for
 1714 administrative purposes. Members shall be appointed by the
 1715 Governor subject to confirmation by the Senate. The commission
 1716 shall be composed of 25 members, consisting of the following:

1717 (v) One member who is a representative of the green
 1718 building industry and who is a third-party commission agent, a
 1719 Florida board member of the United States Green Building Council
 1720 or Green Building Initiative, a professional who is accredited
 1721 under the International Green Construction Code (IGCC), or a
 1722 professional who is accredited under Leadership in Energy and
 1723 Environmental Design (LEED) ~~LEED-accredited professional.~~

1724
 1725 Any person serving on the commission under paragraph (c) or
 1726 paragraph (h) on October 1, 2003, and who has served less than
 1727 two full terms is eligible for reappointment to the commission
 1728 regardless of whether he or she meets the new qualification.

1729 Section 33. Subsection (5) of section 553.842, Florida
 1730 Statutes, is amended to read:

1731 553.842 Product evaluation and approval.—

1732 (5) Statewide approval of products, methods, or systems of
1733 construction may be achieved by one of the following methods.
1734 One of these methods must be used by the commission to approve
1735 the following categories of products: panel walls, exterior
1736 doors, roofing, skylights, windows, shutters, and structural
1737 components as established by the commission by rule. A product
1738 may not be advertised, sold, offered, provided, distributed, or
1739 marketed as hurricane, windstorm, or impact protection from
1740 wind-borne debris from a hurricane or windstorm unless it is
1741 approved pursuant to s. 553.842 or s. 553.8425. Any person who
1742 advertises, sells, offers, provides, distributes, or markets a
1743 product as hurricane, windstorm, or impact protection from wind-
1744 borne debris without such approval is subject to the Florida
1745 Deceptive and Unfair Trade Practices Act under part II of
1746 chapter 501 brought by the enforcing authority as defined in s.
1747 501.203.

1748 (a) Products for which the code establishes standardized
1749 testing or comparative or rational analysis methods shall be
1750 approved by submittal and validation of one of the following
1751 reports or listings indicating that the product or method or
1752 system of construction was ~~evaluated to be~~ in compliance with
1753 the Florida Building Code and that the product or method or
1754 system of construction is, for the purpose intended, at least
1755 equivalent to that required by the Florida Building Code:

- 1756 1. A certification mark or listing of an approved
1757 certification agency, which may be used only for products for
1758 which the code designates standardized testing;
1759 2. A test report from an approved testing laboratory;

1760 3. A product evaluation report based upon testing or
 1761 comparative or rational analysis, or a combination thereof, from
 1762 an approved product evaluation entity; or

1763 4. A product evaluation report based upon testing or
 1764 comparative or rational analysis, or a combination thereof,
 1765 developed and signed and sealed by a professional engineer or
 1766 architect, licensed in this state.

1767
 1768 A product evaluation report or a certification mark or listing
 1769 of an approved certification agency which demonstrates that the
 1770 product or method or system of construction complies with the
 1771 Florida Building Code for the purpose intended is ~~shall be~~
 1772 equivalent to a test report and test procedure ~~as~~ referenced in
 1773 the Florida Building Code. An application for state approval of
 1774 a product under subparagraph 1. must be approved by the
 1775 department after the commission staff or a designee verifies
 1776 that the application and related documentation are complete.
 1777 This verification must be completed within 10 business days
 1778 after receipt of the application. Upon approval by the
 1779 department, the product shall be immediately added to the list
 1780 of state-approved products maintained under subsection (13).
 1781 Approvals by the department shall be reviewed and ratified by
 1782 the commission's program oversight committee except for a
 1783 showing of good cause that a review by the full commission is
 1784 necessary. The commission shall adopt rules providing means to
 1785 cure deficiencies identified within submittals for products
 1786 approved under this paragraph.

1787 (b) Products, methods, or systems of construction for

1788 | which there are no specific standardized testing or comparative
 1789 | or rational analysis methods established in the code may be
 1790 | approved by submittal and validation of one of the following:

1791 | 1. A product evaluation report based upon testing or
 1792 | comparative or rational analysis, or a combination thereof, from
 1793 | an approved product evaluation entity indicating that the
 1794 | product or method or system of construction was ~~evaluated to be~~
 1795 | in compliance with the intent of the Florida Building Code and
 1796 | that the product or method or system of construction is, for the
 1797 | purpose intended, at least equivalent to that required by the
 1798 | Florida Building Code; or

1799 | 2. A product evaluation report based upon testing or
 1800 | comparative or rational analysis, or a combination thereof,
 1801 | developed and signed and sealed by a professional engineer or
 1802 | architect, licensed in this state, who certifies that the
 1803 | product or method or system of construction is, for the purpose
 1804 | intended, at least equivalent to that required by the Florida
 1805 | Building Code.

1806 | Section 34. Section 553.9061, Florida Statutes, is
 1807 | repealed.

1808 | Section 35. Subsections (3), (4), and (5) of section
 1809 | 553.909, Florida Statutes, are amended to read:

1810 | 553.909 Setting requirements for appliances; exceptions.-

1811 | (3) Commercial or residential swimming pool ~~pumps or water~~
 1812 | heaters manufactured and sold on or after December 31, 2011, for
 1813 | installation in this state must July 1, 2011, shall comply with
 1814 | the requirements of the Florida Energy Efficiency Code for
 1815 | Building Construction ~~this subsection.~~

1816 ~~(a) Natural gas pool heaters shall not be equipped with~~
1817 ~~constantly burning pilots.~~

1818 ~~(b) Heat pump pool heaters shall have a coefficient of~~
1819 ~~performance at low temperature of not less than 4.0.~~

1820 ~~(c) The thermal efficiency of gas-fired pool heaters and~~
1821 ~~oil-fired pool heaters shall not be less than 78 percent.~~

1822 ~~(d) All pool heaters shall have a readily accessible on-~~
1823 ~~off switch that is mounted outside the heater and that allows~~
1824 ~~shutting off the heater without adjusting the thermostat~~
1825 ~~setting.~~

1826 (4) ~~(a)~~ Residential swimming pool filtration pumps and pump
1827 motors manufactured and sold on or after December 31, 2011, for
1828 installation in this state July 1, 2011, must comply with the
1829 requirements of the Florida Energy Efficiency Code for Building
1830 Construction ~~in this subsection.~~

1831 ~~(b) Residential filtration pool pump motors shall not be~~
1832 ~~split phase, shaded pole, or capacitor start induction run~~
1833 ~~types.~~

1834 ~~(c) Residential filtration pool pumps and pool pump motors~~
1835 ~~with a total horsepower of 1 HP or more shall have the~~
1836 ~~capability of operating at two or more speeds with a low speed~~
1837 ~~having a rotation rate that is no more than one-half of the~~
1838 ~~motor's maximum rotation rate.~~

1839 ~~(d) Residential filtration pool pump motor controls shall~~
1840 ~~have the capability of operating the pool pump at a minimum of~~
1841 ~~two speeds. The default circulation speed shall be the~~
1842 ~~residential filtration speed, with a higher speed override~~
1843 ~~capability being for a temporary period not to exceed one normal~~

1844 ~~cycle or 24 hours, whichever is less; except that circulation~~
1845 ~~speed for solar pool heating systems shall be permitted to run~~
1846 ~~at higher speeds during periods of usable solar heat gain.~~

1847 (5) Portable electric spas manufactured and sold on or
1848 after December 31, 2011, for installation in this state must
1849 comply with the requirements of the Florida Energy Efficiency
1850 Code for Building Construction ~~spa standby power shall not be~~
1851 ~~greater than 5 (V²/3) watts where V = the total volume, in~~
1852 ~~gallons, when spas are measured in accordance with the spa~~
1853 ~~industry test protocol.~~

1854 Section 36. Paragraph (a) of subsection (2) of section
1855 627.711, Florida Statutes, is amended to read:

1856 627.711 Notice of premium discounts for hurricane loss
1857 mitigation; uniform mitigation verification inspection form.—

1858 (2) (a) The Financial Services Commission shall develop by
1859 rule a uniform mitigation verification inspection form that
1860 shall be used by all insurers when submitted by policyholders
1861 for the purpose of factoring discounts for wind insurance. In
1862 developing the form, the commission shall seek input from
1863 insurance, construction, and building code representatives.
1864 Further, the commission shall provide guidance as to the length
1865 of time the inspection results are valid. An insurer shall
1866 accept as valid a uniform mitigation verification form signed by
1867 the following authorized mitigation inspectors:

1868 1. A home inspector licensed under s. 468.8314 who has
1869 completed at least 3 hours of hurricane mitigation training
1870 approved by the Construction Industry Licensing Board which
1871 includes hurricane mitigation techniques and compliance with the

1872 uniform mitigation verification form and completion of a
1873 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~
1874 ~~468.8314 must complete at least 2 hours of continuing education,~~
1875 ~~as part of the existing licensure renewal requirements each~~
1876 ~~year, related to mitigation inspection and the uniform~~
1877 ~~mitigation form;~~

1878 2. A building code inspector certified under s. 468.607;

1879 3. A general, building, or residential contractor licensed
1880 under s. 489.111;

1881 4. A professional engineer licensed under s. 471.015;

1882 5. A professional architect licensed under s. 481.213; or

1883 6. Any other individual or entity recognized by the
1884 insurer as possessing the necessary qualifications to properly
1885 complete a uniform mitigation verification form.

1886 Section 37. Except as otherwise expressly provided in this
1887 act, this act shall take effect July 1, 2011.