

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      255.252, F.S.; conforming provisions to changes made by  
19      the act; amending s. 255.253, F.S.; redefining the term  
20      "sustainable building rating" to include a national model  
21      green building code; amending ss. 255.257 and 255.2575,  
22      F.S.; requiring that state agencies, local governments,  
23      and the court system adopt a sustainable building rating  
24      system or use a national model green building code for new  
25      and renovated buildings; amending s. 468.8316, F.S.;  
26      revising the continuing education requirements for  
27      licensed home inspectors; amending s. 468.8319, F.S.;  
28      deleting an exemption for certain contractors from the

29 prohibition against performing repairs on a home that has  
30 a home inspection report; deleting an obsolete provision;  
31 amending s. 468.8323, F.S.; clarifying a provision  
32 relating to the contents of a home inspection report;  
33 amending s. 468.8324, F.S.; providing alternative criteria  
34 for obtaining a home inspector's license; removing certain  
35 application requirements for a person who performs home  
36 inspection services and who qualifies for licensure on or  
37 before a specified date; amending s. 468.841, F.S.; adding  
38 licensed home inspectors to those who are exempt from  
39 complying with provisions related to mold assessment;  
40 amending s. 481.329, F.S.; providing that part II of ch.  
41 481, F.S., does not preclude any person who engages in the  
42 business of landscape design from submitting such plans to  
43 governmental agencies for approval; amending s. 489.103,  
44 F.S.; clarifying an exemption from construction  
45 contracting regulation relating to Habitat for Humanity;  
46 amending s. 489.105, F.S.; adding the term "glass and  
47 glazing contractors" to the definition of the term  
48 "contractor"; amending ss. 489.107 and 489.141, F.S.;  
49 conforming cross-references; amending s. 514.028, F.S.;  
50 revising the composition of the advisory review board  
51 relating to public swimming pools and bathing facilities;  
52 creating s. 514.0315, F.S.; requiring certain public  
53 swimming pools and spas to be equipped with certain safety  
54 features; amending s. 527.06, F.S.; prohibiting the  
55 Department of Agriculture and Consumer Services and other  
56 state agencies from requiring compliance with certain

57 national standards for liquefied petroleum gas tanks  
58 unless the department or agencies require compliance with  
59 a specified edition of the national standards; providing  
60 for repeal under certain circumstances; amending s.  
61 527.21, F.S.; revising the term "propane" for purposes of  
62 the Florida Propane Gas Education, Safety, and Research  
63 Act, to incorporate changes to certain national standards  
64 in a reference thereto; amending s. 553.502, F.S.;  
65 revising intent with respect to the Florida Americans with  
66 Disabilities Act; amending s. 553.503, F.S.; incorporating  
67 the Americans with Disabilities Act Standards for  
68 Accessible Design into state law by reference and  
69 directing that they be adopted by rule into the Florida  
70 Accessibility Code for Building Construction; amending s.  
71 553.504, F.S.; revising exceptions to incorporate the  
72 standards; amending s. 553.5041, F.S.; revising provisions  
73 relating to parking spaces for persons who have  
74 disabilities to incorporate the standards; amending ss.  
75 553.505 and 553.506, F.S.; conforming provisions to  
76 changes made by the act; amending s. 553.507, F.S.;  
77 providing for the applicability of the act; amending s.  
78 553.509, F.S.; revising provisions relating to vertical  
79 accessibility to incorporate the standards; providing that  
80 buildings and facilities in this state do not have to  
81 comply with the changes provided by this act until the  
82 Florida Accessibility Code for Building Construction is  
83 updated; amending s. 553.73, F.S.; revising requirements  
84 relating to the Florida Building Code; specifying national

85 codes to form the foundation for state building standards  
 86 and codes; revising provisions for the amendment or  
 87 modification of the foundation code; revising the criteria  
 88 for approval by the Florida Building Commission of  
 89 technical amendments to the code; exempting certain  
 90 storage sheds from door height and width requirements;  
 91 amending s. 553.74, F.S.; revising requirements for  
 92 selecting a member of the Florida Building Commission;  
 93 amending s. 553.842, F.S.; providing for the approval of  
 94 certain windstorm products; providing a cause of action  
 95 against any person who advertises, sells, offers,  
 96 provides, distributes, or markets certain products without  
 97 approval; repealing s. 553.9061, F.S., relating to  
 98 requirements for scheduled increases in the energy  
 99 performance of buildings subject to the Florida Energy  
 100 Efficiency Code for Building Construction; amending s.  
 101 553.909, F.S.; revising the requirements and effective  
 102 dates for certain pool-related equipment; amending s.  
 103 627.711, F.S.; revising requirements relating to home  
 104 inspectors conducting hurricane mitigation inspections;  
 105 providing effective dates.

106  
 107 Be It Enacted by the Legislature of the State of Florida:

108  
 109 Section 1. Subsection (4) of section 120.541, Florida  
 110 Statutes, as amended by chapter 2010-279, Laws of Florida, is  
 111 amended to read:

112 120.541 Statement of estimated regulatory costs.—

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

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

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

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

125 (c) Triennial updates of and amendments to the Florida  
 126 Fire Prevention Code which are expressly authorized by s.  
 127 633.0215.

128 Section 2. Paragraph (a) of subsection (11) of section  
 129 161.053, Florida Statutes, is amended to read:

130 161.053 Coastal construction and excavation; regulation on  
 131 county basis.—

132 (11) (a) The coastal construction control requirements  
 133 defined in subsection (1) and the requirements of the erosion  
 134 projections in subsection (5) do not apply to any modification,  
 135 maintenance, or repair of any existing structure within the  
 136 limits of the existing foundation which does not require,  
 137 involve, or include any additions to, or repair or modification  
 138 of, the existing foundation of that structure. Specifically  
 139 excluded from this exemption are seawalls or other rigid coastal  
 140 or shore protection structures and any additions or enclosures

141 added, constructed, or installed below the first dwelling floor  
 142 or lowest deck of the existing structure. The Florida Building  
 143 Commission may not adopt any rule having the effect of limiting  
 144 any exceptions or exemptions contained within this paragraph.

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

147 255.252 Findings and intent.—

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

164 (4) In addition to designing and constructing new  
 165 buildings to be energy-efficient, it is ~~shall be~~ the policy of  
 166 the state to operate and maintain state facilities in a manner  
 167 that minimizes ~~which will minimize~~ energy consumption and  
 168 maximizes ~~maximize~~ building sustainability, and to operate as

169 ~~well as ensure that~~ facilities leased by the state ~~are operated~~  
170 so as to minimize energy use. It is further the policy of the  
171 state that the renovation of existing state facilities be in  
172 accordance with a sustainable building rating or a national  
173 model green building code ~~the United States Green Building~~  
174 ~~Council (USGBC) Leadership in Energy and Environmental Design~~  
175 ~~(LEED) rating system, the Green Building Initiative's Green~~  
176 ~~Globes rating system, the Florida Green Building Coalition~~  
177 ~~standards, or a nationally recognized, high-performance green~~  
178 ~~building rating system as approved by the department.~~ State  
179 agencies are encouraged to consider shared savings financing of  
180 ~~such~~ energy-efficiency and conservation projects, using  
181 contracts that ~~which~~ split the resulting savings for a specified  
182 period of time between the state agency and the private firm or  
183 cogeneration contracts and that ~~which~~ otherwise permit the state  
184 to lower its net energy costs. Such energy contracts may be  
185 funded from the operating budget.

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

188 255.253 Definitions; ss. 255.251-255.258.—

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

197 department.

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

200 255.257 Energy management; buildings occupied by state  
 201 agencies.—

202 (4) ADOPTION OF STANDARDS.—

203 (a) All state agencies shall adopt a sustainable building  
 204 rating system or use a national model green building code ~~the~~  
 205 ~~United States Green Building Council (USGBC) Leadership in~~  
 206 ~~Energy and Environmental Design (LEED) rating system, the Green~~  
 207 ~~Building Initiative's Green Globes rating system, the Florida~~  
 208 ~~Green Building Coalition standards, or a nationally recognized,~~  
 209 ~~high-performance green building rating system as approved by the~~  
 210 ~~department~~ for all new buildings and renovations to existing  
 211 buildings.

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

217 (c) All state agencies shall develop energy conservation  
 218 measures and guidelines for new and existing office space where  
 219 state agencies occupy more than 5,000 square feet. These  
 220 conservation measures shall focus on programs that may reduce  
 221 energy consumption and, when established, provide a net  
 222 reduction in occupancy costs.

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



225 255.2575 Energy-efficient and sustainable buildings.—  
 226 (2) All county, municipal, school district, water  
 227 management district, state university, community college, and  
 228 ~~Florida~~ state court buildings shall be constructed to comply  
 229 with a sustainable building rating system or a national model  
 230 green building code meet the United States Green Building  
 231 Council (USGBC) Leadership in Energy and Environmental Design  
 232 (LEED) rating system, the Green Building Initiative's Green  
 233 Globes rating system, the Florida Green Building Coalition  
 234 standards, or a nationally recognized, high-performance green  
 235 building rating system as approved by the Department of  
 236 Management Services. This section applies ~~shall apply~~ to all  
 237 county, municipal, school district, water management district,  
 238 state university, community college, and ~~Florida~~ state court  
 239 buildings the architectural plans of which are commenced after  
 240 July 1, 2008.

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

243 468.8316 Continuing education.—

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

253 continuing education providers and courses ~~course content shall~~  
 254 ~~be approved by the department by rule.~~

255 Section 8. Paragraph (f) of subsection (1) and subsection  
 256 (3) of section 468.8319, Florida Statutes, are amended to read:  
 257 468.8319 Prohibitions; penalties.—

258 (1) A person may not:

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

262 ~~1. a home warranty company that is affiliated with or~~  
 263 ~~retains a home inspector to perform repairs pursuant to a claim~~  
 264 ~~made under a home warranty contract.~~

265 ~~2. A certified contractor who is classified in s.~~  
 266 ~~489.105(3) as a Division I contractor. However, the department~~  
 267 ~~may adopt rules requiring that, if such contractor performs the~~  
 268 ~~home inspection and offers to perform the repairs, the contract~~  
 269 ~~for repairs provided to the homeowner discloses that he or she~~  
 270 ~~has the right to request competitive bids.~~

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

274 Section 9. Paragraph (b) of subsection (1) of section  
 275 468.8323, Florida Statutes, is amended to read:

276 468.8323 Home inspection report.—Upon completion of each  
 277 home inspection for compensation, the home inspector shall  
 278 provide a written report prepared for the client.

279 (1) The home inspector shall report:

280 (b) If not self-evident, a reason why the system or

281 component reported under paragraph (a) is significantly  
 282 deficient or near the end of its service life.

283 Section 10. Subsections (3) and (4) of section 468.8324,  
 284 Florida Statutes, are renumbered as subsections (2) and (3),  
 285 respectively, and present subsections (1) and (2) of that  
 286 section are amended to read:

287 468.8324 Grandfather clause.—

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

292 (a) Possesses certification as a one and two family  
 293 dwelling inspector issued by the International Code Council or  
 294 the Southern Building Code Congress International;

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

298 (c) Possesses a Division I contractor license under part I  
 299 of chapter 489.

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

305 ~~(a) Is certified as a home inspector by a state or~~  
 306 ~~national association that requires, for such certification,~~  
 307 ~~successful completion of a proctored examination on home~~  
 308 ~~inspection services and completes at least 14 hours of~~

309 ~~verifiable education on such services; or~~

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

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

319 Section 11. Paragraph (d) of subsection (1) of section  
320 468.841, Florida Statutes, is amended to read:

321 468.841 Exemptions.—

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

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

336 Section 12. Subsection (5) of section 481.329, Florida

337 Statutes, is amended to read:

338 481.329 Exceptions; exemptions from licensure.—

339 (5) Nothing in this part prohibits any person from  
 340 engaging in the practice of landscape design, as defined in s.  
 341 481.303(7), nor submitting such plans to governmental agencies  
 342 for approval. Persons providing landscape design services shall  
 343 not use the title, term, or designation "landscape architect,"  
 344 "landscape architectural," "landscape architecture," "L.A.,"  
 345 "landscape engineering," or any description tending to convey  
 346 the impression that she or he is a landscape architect unless  
 347 she or he is registered as provided in this part.

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

350 489.103 Exemptions.—This part does not apply to:

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

- 355 (a) Obtain all necessary building permits.
- 356 (b) Obtain all required building code inspections.
- 357 (c) Provide for supervision of all work by an individual  
 358 with construction experience.

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

361 489.105 Definitions.—As used in this part:

362 (3) "Contractor" means the person who is qualified for,  
 363 and is ~~shall~~ only ~~be~~ responsible for, the project contracted for  
 364 and means, except as exempted in this part, the person who, for

365 compensation, undertakes to, submits a bid to, or does himself  
 366 or herself or by others construct, repair, alter, remodel, add  
 367 to, demolish, subtract from, or improve any building or  
 368 structure, including related improvements to real estate, for  
 369 others or for resale to others; and whose job scope is  
 370 substantially similar to the job scope described in one of the  
 371 subsequent paragraphs of this subsection. For the purposes of  
 372 regulation under this part, "demolish" applies only to  
 373 demolition of steel tanks over 50 feet in height; towers over 50  
 374 feet in height; other structures over 50 feet in height, other  
 375 than buildings or residences over three stories tall; and  
 376 buildings or residences over three stories tall. Contractors are  
 377 subdivided into two divisions, Division I, consisting of those  
 378 contractors defined in paragraphs (a)-(c), and Division II,  
 379 consisting of those contractors defined in paragraphs (d)-(r)  
 380 ~~(d)-(q)~~:

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

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

393 services do not affect the structural members of the building.

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

400 (d) "Sheet metal contractor" means a contractor whose  
 401 services are unlimited in the sheet metal trade and who has the  
 402 experience, knowledge, and skill necessary for the manufacture,  
 403 fabrication, assembling, handling, erection, installation,  
 404 dismantling, conditioning, adjustment, insulation, alteration,  
 405 repair, servicing, or design, if ~~when~~ not prohibited by law, of  
 406 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
 407 equivalent or lighter gauge and of other materials, including,  
 408 but not limited to, fiberglass, used in lieu thereof and of air-  
 409 handling systems, including the setting of air-handling  
 410 equipment and reinforcement of same, the balancing of air-  
 411 handling systems, and any duct cleaning and equipment sanitizing  
 412 that ~~which~~ requires at least a partial disassembling of the  
 413 system.

414 (e) "Roofing contractor" means a contractor whose services  
 415 are unlimited in the roofing trade and who has the experience,  
 416 knowledge, and skill to install, maintain, repair, alter,  
 417 extend, or design, if ~~when~~ not prohibited by law, and use  
 418 materials and items used in the installation, maintenance,  
 419 extension, and alteration of all kinds of roofing,  
 420 waterproofing, and coating, except when coating is not

421 represented to protect, repair, waterproof, stop leaks, or  
422 extend the life of the roof. The scope of work of a roofing  
423 contractor also includes required roof-deck attachments and any  
424 repair or replacement of wood roof sheathing or fascia as needed  
425 during roof repair or replacement.

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



449 also includes ~~include~~ any excavation work incidental thereto,  
450 but does ~~shall~~ not include any work such as liquefied petroleum  
451 or natural gas fuel lines within buildings, except for  
452 disconnecting or reconnecting changeouts of liquefied petroleum  
453 or natural gas appliances within buildings; potable water lines  
454 or connections thereto; sanitary sewer lines; swimming pool  
455 piping and filters; or electrical power wiring.

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

477 system. The scope of work for such contractor ~~shall~~ also  
478 includes ~~include~~ any excavation work incidental thereto, but  
479 does ~~shall~~ not include any work such as liquefied petroleum or  
480 natural gas fuel lines within buildings, except for  
481 disconnecting or reconnecting changeouts of liquefied petroleum  
482 or natural gas appliances within buildings; potable water lines  
483 or connections thereto; sanitary sewer lines; swimming pool  
484 piping and filters; or electrical power wiring.

485 (h) "Class C air-conditioning contractor" means a  
486 contractor whose business is limited to the servicing of air-  
487 conditioning, heating, or refrigeration systems, including any  
488 duct cleaning and equipment sanitizing that ~~which~~ requires at  
489 least a partial disassembling of the system, and whose  
490 certification or registration, issued pursuant to this part, was  
491 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~  
492 ~~previously~~ registered or certified as a Class C air-conditioning  
493 contractor as of October 1, 1988, shall be so registered or  
494 certified after October 1, 1988. However, the board shall  
495 continue to license and regulate those Class C air-conditioning  
496 contractors who held Class C licenses before ~~prior to~~ October 1,  
497 1988.

498 (i) "Mechanical contractor" means a contractor whose  
499 services are unlimited in the execution of contracts requiring  
500 the experience, knowledge, and skill to install, maintain,  
501 repair, fabricate, alter, extend, or design, if ~~when~~ not  
502 prohibited by law, central air-conditioning, refrigeration,  
503 heating, and ventilating systems, including duct work in  
504 connection with a complete system if ~~only to the extent~~ such

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

531 (j) "Commercial pool/spa contractor" means a contractor  
532 whose scope of work involves, but is not limited to, the

533 construction, repair, and servicing of any swimming pool, or hot  
534 tub or spa, whether public, private, or otherwise, regardless of  
535 use. The scope of work includes the installation, repair, or  
536 replacement of existing equipment, any cleaning or equipment  
537 sanitizing that ~~which~~ requires at least a partial disassembling,  
538 excluding filter changes, and the installation of new pool/spa  
539 equipment, interior finishes, the installation of package pool  
540 heaters, the installation of all perimeter piping and filter  
541 piping, and the construction of equipment rooms or housing for  
542 pool/spa equipment, and also includes the scope of work of a  
543 swimming pool/spa servicing contractor. The scope of such work  
544 does not include direct connections to a sanitary sewer system  
545 or to potable water lines. The installation, construction,  
546 modification, or replacement of equipment permanently attached  
547 to and associated with the pool or spa for the purpose of water  
548 treatment or cleaning of the pool or spa requires licensure;  
549 however, the usage of such equipment for the purposes of water  
550 treatment or cleaning does ~~shall~~ not require licensure unless  
551 the usage involves construction, modification, or replacement of  
552 such equipment. Water treatment that does not require such  
553 equipment does not require a license. In addition, a license is  
554 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a  
555 ~~any~~ way that does not affect the structural integrity of the  
556 pool or spa or its associated equipment.

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

561 of work includes the installation, repair, or replacement of  
562 existing equipment, any cleaning or equipment sanitizing that  
563 ~~which~~ requires at least a partial disassembling, excluding  
564 filter changes, and the installation of new pool/spa equipment,  
565 interior finishes, the installation of package pool heaters, the  
566 installation of all perimeter piping and filter piping, and the  
567 construction of equipment rooms or housing for pool/spa  
568 equipment, and also includes the scope of work of a swimming  
569 pool/spa servicing contractor. The scope of such work does not  
570 include direct connections to a sanitary sewer system or to  
571 potable water lines. The installation, construction,  
572 modification, or replacement of equipment permanently attached  
573 to and associated with the pool or spa for the purpose of water  
574 treatment or cleaning of the pool or spa requires licensure;  
575 however, the usage of such equipment for the purposes of water  
576 treatment or cleaning does ~~shall~~ not require licensure unless  
577 the usage involves construction, modification, or replacement of  
578 such equipment. Water treatment that does not require such  
579 equipment does not require a license. In addition, a license is  
580 ~~shall~~ not ~~be~~ required for the cleaning of the pool or spa in a  
581 ~~any~~ way that does not affect the structural integrity of the  
582 pool or spa or its associated equipment.

583 (1) "Swimming pool/spa servicing contractor" means a  
584 contractor whose scope of work involves, but is not limited to,  
585 the repair and servicing of a ~~any~~ swimming pool, or hot tub or  
586 spa, whether public or private, or otherwise, regardless of use.  
587 The scope of work includes the repair or replacement of existing  
588 equipment, any cleaning or equipment sanitizing that ~~which~~

589 requires at least a partial disassembling, excluding filter  
590 changes, and the installation of new pool/spa equipment,  
591 interior refinishing, the reinstallation or addition of pool  
592 heaters, the repair or replacement of all perimeter piping and  
593 filter piping, the repair of equipment rooms or housing for  
594 pool/spa equipment, and the substantial or complete draining of  
595 a swimming pool, or hot tub or spa, for the purpose of ~~any~~  
596 repair or renovation. The scope of such work does not include  
597 direct connections to a sanitary sewer system or to potable  
598 water lines. The installation, construction, modification,  
599 substantial or complete disassembly, or replacement of equipment  
600 permanently attached to and associated with the pool or spa for  
601 the purpose of water treatment or cleaning of the pool or spa  
602 requires licensure; however, the usage of such equipment for the  
603 purposes of water treatment or cleaning does ~~shall~~ not require  
604 licensure unless the usage involves construction, modification,  
605 substantial or complete disassembly, or replacement of such  
606 equipment. Water treatment that does not require such equipment  
607 does not require a license. In addition, a license is ~~shall~~ not  
608 ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way  
609 that does not affect the structural integrity of the pool or spa  
610 or its associated equipment.

611 (m) "Plumbing contractor" means a contractor whose  
612 contracting business consists of the execution of contracts  
613 requiring the experience, financial means, knowledge, and skill  
614 to install, maintain, repair, alter, extend, or, if ~~when~~ not  
615 prohibited by law, design plumbing. A plumbing contractor may  
616 install, maintain, repair, alter, extend, or, if ~~when~~ not

617 prohibited by law, design the following without obtaining an ~~any~~  
 618 additional local regulatory license, certificate, or  
 619 registration: sanitary drainage or storm drainage facilities;  
 620 venting systems; public or private water supply systems; septic  
 621 tanks; drainage and supply wells; swimming pool piping;  
 622 irrigation systems; or solar heating water systems and all  
 623 appurtenances, apparatus, or equipment used in connection  
 624 therewith, including boilers and pressure process piping and  
 625 including the installation of water, natural gas, liquefied  
 626 petroleum gas and related venting, and storm and sanitary sewer  
 627 lines; and water and sewer plants and substations. The scope of  
 628 work of the plumbing contractor also includes the design, if  
 629 ~~when~~ not prohibited by law, and installation, maintenance,  
 630 repair, alteration, or extension of air-piping, vacuum line  
 631 piping, oxygen line piping, nitrous oxide piping, and all  
 632 related medical gas systems; fire line standpipes and fire  
 633 sprinklers if ~~to the extent~~ authorized by law; ink and chemical  
 634 lines; fuel oil and gasoline piping and tank and pump  
 635 installation, except bulk storage plants; and pneumatic control  
 636 piping systems, all in ~~such~~ a manner that complies ~~as to comply~~  
 637 with all plans, specifications, codes, laws, and regulations  
 638 applicable. The scope of work of the plumbing contractor applies  
 639 ~~shall apply~~ to private property and public property, including  
 640 ~~shall include~~ any excavation work incidental thereto, and  
 641 includes ~~shall include~~ the work of the specialty plumbing  
 642 contractor. Such contractor shall subcontract, with a qualified  
 643 contractor in the field concerned, all other work incidental to  
 644 the work but which is specified ~~herein~~ as being the work of a

645 trade other than that of a plumbing contractor. ~~Nothing in This~~  
 646 definition does not ~~shall be construed to~~ limit the scope of  
 647 work of any specialty contractor certified pursuant to s.  
 648 489.113(6), and does not. ~~Nothing in this definition shall be~~  
 649 ~~construed to~~ require certification or registration under this  
 650 part of any authorized employee of a public natural gas utility  
 651 or of a private natural gas utility regulated by the Public  
 652 Service Commission when disconnecting and reconnecting water  
 653 lines in the servicing or replacement of an existing water  
 654 heater.

655 (n) "Underground utility and excavation contractor" means  
 656 a contractor whose services are limited to the construction,  
 657 installation, and repair, on public or private property, whether  
 658 accomplished through open excavations or through other means,  
 659 including, but not limited to, directional drilling, auger  
 660 boring, jacking and boring, trenchless technologies, wet and dry  
 661 taps, grouting, and slip lining, of main sanitary sewer  
 662 collection systems, main water distribution systems, storm sewer  
 663 collection systems, and the continuation of utility lines from  
 664 the main systems to a point of termination up to and including  
 665 the meter location for the individual occupancy, sewer  
 666 collection systems at property line on residential or single-  
 667 occupancy commercial properties, or on multioccupancy properties  
 668 at manhole or wye lateral extended to an invert elevation as  
 669 engineered to accommodate future building sewers, water  
 670 distribution systems, or storm sewer collection systems at storm  
 671 sewer structures. However, an underground utility and excavation  
 672 contractor may install empty underground conduits in rights-of-



673 way, easements, platted rights-of-way in new site development,  
674 and sleeves for parking lot crossings no smaller than 2 inches  
675 in diameter if, ~~provided that~~ each conduit system installed is  
676 designed by a licensed professional engineer or an authorized  
677 employee of a municipality, county, or public utility and ~~that~~  
678 the installation of ~~any~~ such conduit does not include  
679 installation of any conductor wiring or connection to an  
680 energized electrical system. An underground utility and  
681 excavation contractor may ~~shall~~ not install ~~any~~ piping that is  
682 an integral part of a fire protection system as defined in s.  
683 633.021 beginning at the point where the piping is used  
684 exclusively for such system.

685 (o) "Solar contractor" means a contractor whose services  
686 consist of the installation, alteration, repair, maintenance,  
687 relocation, or replacement of solar panels for potable solar  
688 water heating systems, swimming pool solar heating systems, and  
689 photovoltaic systems and any appurtenances, apparatus, or  
690 equipment used in connection therewith, whether public, private,  
691 or otherwise, regardless of use. A contractor, certified or  
692 registered pursuant to ~~the provisions of~~ this chapter, is not  
693 required to become a certified or registered solar contractor or  
694 to contract with a solar contractor in order to provide ~~any~~  
695 services enumerated in this paragraph that are within the scope  
696 of the services such contractors may render under this part.

697 (p) "Pollutant storage systems contractor" means a  
698 contractor whose services are limited to, and who has the  
699 experience, knowledge, and skill to install, maintain, repair,  
700 alter, extend, or design, if ~~when~~ not prohibited by law, and use

701 materials and items used in the installation, maintenance,  
 702 extension, and alteration of, pollutant storage tanks. Any  
 703 person installing a pollutant storage tank shall perform such  
 704 installation in accordance with the standards adopted pursuant  
 705 to s. 376.303.

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

721 (r) ~~(e)~~ "Specialty contractor" means a contractor whose  
 722 scope of work and responsibility is limited to a particular  
 723 phase of construction established in a category adopted by board  
 724 rule and whose scope is limited to a subset of the activities  
 725 described in one of the paragraphs of this subsection.

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

728 489.107 Construction Industry Licensing Board.—

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

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

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

743 Section 16. Paragraph (g) of subsection (2) of section  
744 489.141, Florida Statutes, is amended to read:

745 489.141 Conditions for recovery; eligibility.—

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

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

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

753 514.028 Advisory review board.—

754 (1) The Governor shall appoint an advisory review board  
755 which shall meet as necessary or at least quarterly, to  
756 recommend agency action on variance request, rule and policy

757 development, and other technical review problems. The board  
 758 shall be comprised of ~~the following~~:

759 (a) A representative from the office of licensure and  
 760 certification of the department.

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

762 (c) Three representatives from the swimming pool  
 763 construction industry.

764 (d) A representative ~~Two representatives~~ from the public  
 765 lodging industry.

766 (e) A representative from a county or local building  
 767 department.

768 Section 18. Section 514.0315, Florida Statutes, is created  
 769 to read:

770 514.0315 Required safety features for public swimming  
 771 pools and spas.—

772 (1) A public swimming pool or spa must be equipped with an  
 773 anti-entrapment system or device that complies with American  
 774 Society of Mechanical Engineers/American National Standards  
 775 Institute standard A112.19.8, or any successor standard.

776 (2) A public swimming pool or spa built before January 1,  
 777 1993, with a single main drain other than an unblockable drain  
 778 must be equipped with at least one of the following features  
 779 that complies with any American Society of Mechanical Engineers,  
 780 American National Standards Institute, American Standard for  
 781 Testing and Materials, or other applicable consumer product  
 782 safety standard for such system or device and protects against  
 783 evisceration and body-and-limb suction entrapment:

784 (a) A safety vacuum release system that ceases operation

785 of the pump, reverses the circulation flow, or otherwise  
 786 provides a vacuum release at a suction outlet when a blockage is  
 787 detected and that has been tested by an independent third party  
 788 and found to conform to American Society of Mechanical  
 789 Engineers/American National Standards Institute standard  
 790 A112.19.17, American Standard for Testing and Materials standard  
 791 26 F2387, or any successor standard.

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

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

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

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

797 (3) The determination and selection of a feature under  
 798 subsection (2) for a public swimming pool or spa constructed  
 799 before January 1, 1993, is at the sole discretion of the owner  
 800 or operator of the public swimming pool or spa. A licensed  
 801 contractor described in s. 489.105(3)(j), (k), or (l) must  
 802 install the feature.

803 Section 19. Subsection (3) of section 527.06, Florida  
 804 Statutes, is amended to read:

805 527.06 Rules.—

806 (3)(a) Rules in substantial conformity with the published  
 807 standards of the National Fire Protection Association (NFPA) are  
 808 ~~shall be~~ deemed to be in substantial conformity with the  
 809 generally accepted standards of safety concerning the same  
 810 subject matter.

811 (b) Notwithstanding any other law, the department or other  
 812 state agency may not require compliance with the minimum

813 separation distances of NFPA 58 for separation between a  
 814 liquefied petroleum gas tank and a building, adjoining property  
 815 line, other liquefied petroleum gas tank, or any source of  
 816 ignition, except in compliance with the minimum separation  
 817 distances of the 2011 edition of NFPA 58.

818 (c) If the department, the Florida Building Commission as  
 819 part of the Florida Building Code, and the Office of the State  
 820 Fire Marshal as part of the Florida Fire Prevention Code each  
 821 adopt the minimum separation distances of the 2011 edition of  
 822 NFPA 58 as rules, whether adopted by setting out the minimum  
 823 separation distances in the text of the rules or through  
 824 incorporation by reference, this subsection is repealed upon the  
 825 last effective date of such rules.

826 Section 20. Subsection (11) of section 527.21, Florida  
 827 Statutes, is amended to read:

828 527.21 Definitions relating to Florida Propane Gas  
 829 Education, Safety, and Research Act.—As used in ss. 527.20-  
 830 527.23, the term:

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

835 Section 21. Section 553.502, Florida Statutes, is amended  
 836 to read:

837 553.502 Intent.—The purpose and intent of this part ~~ss.~~  
 838 ~~553.501-553.513~~ is to incorporate into the law of this state the  
 839 accessibility requirements of the Americans with Disabilities  
 840 Act of 1990, as amended ~~Pub. L. No. 101-336~~, 42 U.S.C. ss. 12101

841 et seq., and to obtain and maintain United States Department of  
 842 Justice certification of the Florida Accessibility Code for  
 843 Building Construction as equivalent to federal standards for  
 844 accessibility of buildings, structures, and facilities. All  
 845 state laws, rules, standards, and codes governing facilities  
 846 covered by the Americans with Disabilities Act Standards for  
 847 Accessible Design ~~guidelines~~ shall be maintained to assure  
 848 certification of the state's construction standards and codes.  
 849 This part ~~Nothing in ss. 553.501-553.513~~ is not intended to  
 850 expand or diminish the defenses available to a place of public  
 851 accommodation or a commercial facility under the Americans with  
 852 Disabilities Act and the standards ~~federal Americans with~~  
 853 ~~Disabilities Act Accessibility Guidelines~~, including, but not  
 854 limited to, the readily achievable standard, and the standards  
 855 applicable to alterations to private buildings or facilities as  
 856 defined by the standards ~~places of public accommodation.~~

857 Section 22. Section 553.503, Florida Statutes, is amended  
 858 to read:

859 553.503 Adoption of federal standards ~~guidelines~~.—Subject  
 860 to modifications under this part ~~the exceptions in s. 553.504~~,  
 861 the federal Americans with Disabilities Act Standards for  
 862 Accessible Design ~~Accessibility Guidelines~~, and related  
 863 regulations provided as adopted by reference in 28 C.F.R., parts  
 864 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and  
 865 Title II of Pub. L. No. 101-336, are hereby adopted and  
 866 incorporated by reference as the law of this state and shall be  
 867 incorporated into. ~~The guidelines shall establish the minimum~~  
 868 ~~standards for the accessibility of buildings and facilities~~

869 ~~built or altered within this state.~~ the 1997 Florida  
 870 Accessibility Code for Building Construction and ~~must be~~ adopted  
 871 by the Florida Building Commission in accordance with chapter  
 872 120.

873 Section 23. Section 553.504, Florida Statutes, is amended  
 874 to read:

875 553.504 Exceptions to applicability of the federal  
 876 standards ~~guidelines.~~ Notwithstanding the adoption of the  
 877 Americans with Disabilities Act Standards for Accessible Design  
 878 pursuant to Accessibility Guidelines in s. 553.503, all  
 879 buildings, structures, and facilities in this state must ~~shall~~  
 880 meet the following additional requirements if such requirements  
 881 ~~when they~~ provide increased accessibility:

882 (1) All new or altered public buildings and facilities,  
 883 private buildings and facilities, places of public  
 884 accommodation, and commercial facilities, as those terms are  
 885 defined by the standards, subject to this part, ss. 553.501-  
 886 ~~553.513 which may be frequented in, lived in, or worked in by~~  
 887 ~~the public~~ must ~~shall~~ comply with this part ~~ss. 553.501-553.513.~~

888 (2) All new single-family houses, duplexes, triplexes,  
 889 condominiums, and townhouses shall provide at least one  
 890 bathroom, located with maximum possible privacy, where bathrooms  
 891 are provided on habitable grade levels, with a door that has a  
 892 29-inch clear opening. However, if only a toilet room is  
 893 provided at grade level, such toilet room must ~~shall~~ have a  
 894 clear opening of at least ~~not less than~~ 29 inches.

895 ~~(3) All required doors and walk-through openings in~~  
 896 ~~buildings excluding single-family homes, duplexes, and triplexes~~



897 ~~not covered by the Americans with Disabilities Act of 1990 or~~  
898 ~~the Fair Housing Act shall have at least 29 inches of clear~~  
899 ~~width except under ss. 553.501-553.513.~~

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

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

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

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

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

919 ~~(3)(6)~~ Notwithstanding the requirements in s. 404.2.9  
920 ~~reference 4.13.11~~ of the standards guidelines, exterior hinged  
921 doors must ~~shall~~ be ~~so~~ designed so that such doors can be pushed  
922 or pulled open with a force not exceeding 8.5 foot pounds.

923 ~~(7) Notwithstanding the requirements in reference 4.33.1~~  
924 ~~of the guidelines, all public food service establishments, all~~

925 ~~establishments licensed under the Beverage Law for consumption~~  
 926 ~~on the premises, and all facilities governed by reference 4.1 of~~  
 927 ~~the guidelines shall provide seating or spaces for seating in~~  
 928 ~~accordance with the following requirements:~~

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

931

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

932  
933  
934

935  
 936 ~~(b) For all remaining fixed seats, there shall be not less~~  
 937 ~~than one such accessible and usable space for each 100 fixed~~  
 938 ~~seats or fraction thereof.~~

939 ~~(8) Notwithstanding the requirements in references 4.32.1-~~  
 940 ~~4.32.4 of the guidelines, all fixed seating in public food~~  
 941 ~~service establishments, in establishments licensed under the~~  
 942 ~~Beverage Law for consumption on the premises, and in all other~~  
 943 ~~facilities governed by reference 4.1 of the guidelines shall be~~  
 944 ~~designed and constructed in accordance with the following~~  
 945 ~~requirements:~~

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

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

950 (4)(9) In motels and hotels a number of rooms equaling at  
 951 least 5 percent of the guest rooms minus the number of  
 952 accessible rooms required by the standards must ~~guidelines shall~~  
 953 provide the following special accessibility features:

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

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

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

965  
 966 All buildings, structures, or facilities licensed as a hotel,  
 967 motel, or condominium pursuant to chapter 509 are ~~shall be~~  
 968 subject to ~~the provisions of~~ this subsection. This subsection  
 969 does not relieve ~~Nothing in this subsection shall be construed~~  
 970 ~~as relieving~~ the owner of the responsibility of providing  
 971 accessible rooms in conformance with ss. 224 and 806 of the  
 972 standards ~~9.1-9.5 of the guidelines~~.

973 ~~(10) Notwithstanding the requirements in reference~~ 4.29.2  
 974 ~~of the guidelines, all detectable warning surfaces required by~~  
 975 ~~the guidelines shall be governed by the requirements of American~~

976 ~~National Standards Institute A117.1-1986.~~

977 ~~(11) Notwithstanding the requirements in references 4.31.2~~  
 978 ~~and 4.31.3 of the guidelines, the installation and placement of~~  
 979 ~~all public telephones shall be governed by the rules of the~~  
 980 ~~Florida Public Service Commission.~~

981 ~~(5)-(12)~~ Notwithstanding ss. 213 and 604 of the standards  
 982 ~~the requirements in references 4.1.3(11) and 4.16-4.23 of the~~  
 983 ~~guidelines, required bathing rooms ~~restrooms~~ and toilet rooms in~~  
 984 ~~new construction shall be designed and constructed in accordance~~  
 985 ~~with the following requirements:~~

986 (a) The wheelchair standard accessible toilet compartment  
 987 must ~~restroom stall~~ shall contain an accessible lavatory within  
 988 it, which must be at least the size of such lavatory to be not  
 989 ~~less than~~ 19 inches wide by 17 inches deep, nominal size, and  
 990 wall-mounted. The lavatory shall be mounted so as not to overlap  
 991 the clear floor space areas required by s. 604 of the standards  
 992 ~~4.17 figure 30(a) of the guidelines for the wheelchair standard~~  
 993 accessible toilet compartment stall and ~~to~~ comply with s. 606 of  
 994 the standards 4.19 of the guidelines. Such lavatories shall be  
 995 counted as part of the required fixture count for the building.

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

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

1000 ~~(13) All customer checkout aisles not required by the~~  
 1001 ~~guidelines to be handicapped accessible shall have at least 32~~  
 1002 ~~inches of clear passage.~~

1003 ~~(14) Turnstiles shall not be used in occupancies which~~

1004 ~~serve fewer than 100 persons, but turnstiles may be used in~~  
 1005 ~~occupancies which serve at least 100 persons if there is an~~  
 1006 ~~unlocked alternate passageway on an accessible route affording~~  
 1007 ~~not less than 32 inches of clearance, equipped with latching~~  
 1008 ~~devices in accordance with the guidelines.~~

1009 (6) ~~(15)~~ Barriers at common or emergency entrances and  
 1010 exits of business establishments conducting business with the  
 1011 general public that are existing, under construction, or under  
 1012 contract for construction which would prevent a person from  
 1013 using such entrances or exits must ~~shall~~ be removed.

1014 Section 24. Section 553.5041, Florida Statutes, is amended  
 1015 to read:

1016 553.5041 Parking spaces for persons who have  
 1017 disabilities.—

1018 (1) This section is not intended to expand or diminish the  
 1019 defenses available to a place of public accommodation under the  
 1020 Americans with Disabilities Act and the federal Americans with  
 1021 Disabilities Act Standards for Accessible Design Accessibility  
 1022 Guidelines, including, but not limited to, the readily  
 1023 achievable standard, and the standards applicable to alterations  
 1024 to places of public accommodation and commercial facilities.

1025 Subject to the exceptions described in subsections (2), (4),  
 1026 (5), and (6), if ~~when~~ the parking and loading zone requirements  
 1027 of the federal standards and related regulations ~~Americans with~~  
 1028 ~~Disabilities Act Accessibility Guidelines (ADAAG)~~, as adopted by  
 1029 ~~reference in 28 C.F.R. part 36, subparts A and D, and Title II~~  
 1030 ~~of Pub. L. No. 101-336~~, provide increased accessibility, those  
 1031 requirements are adopted and incorporated by reference as the

1032 law of this state.

1033 (2) State agencies and political subdivisions having  
 1034 jurisdiction over street parking or publicly owned or operated  
 1035 parking facilities are not required to provide a greater right-  
 1036 of-way width than would otherwise be planned under regulations,  
 1037 guidelines, or practices normally applied to new development.

1038 (3) Designated accessible ~~If parking spaces are provided~~  
 1039 ~~for self-parking by employees or visitors, or both, accessible~~  
 1040 ~~spaces shall be provided in each such parking area. Such spaces~~  
 1041 shall be designed and marked for the exclusive use of ~~those~~  
 1042 individuals who have a severe physical disability and have  
 1043 permanent or temporary mobility problems that substantially  
 1044 impair their ability to ambulate and who have been issued ~~either~~  
 1045 a disabled parking permit under s. 316.1958 or s. 320.0848 or a  
 1046 license plate under s. 320.084, s. 320.0842, s. 320.0843, or s.  
 1047 320.0845.

1048 (4) The number of accessible parking spaces must comply  
 1049 with the parking requirements in ~~ADAAG~~ s. 208 of the standards  
 1050 ~~4.1~~ and the following:

1051 (a) There must be one accessible parking space in the  
 1052 immediate vicinity of a publicly owned or leased building that  
 1053 houses a governmental entity or a political subdivision,  
 1054 including, but not limited to, state office buildings and  
 1055 courthouses, if ~~no~~ parking for the public is not provided on the  
 1056 premises of the building.

1057 (b) There must be one accessible parking space for each  
 1058 150 metered on-street parking spaces provided by state agencies  
 1059 and political subdivisions.

1060 (c) The number of parking spaces for persons who have  
 1061 disabilities must be increased on the basis of demonstrated and  
 1062 documented need.

1063 (5) Accessible perpendicular and diagonal accessible  
 1064 parking spaces and loading zones must be designed and located to  
 1065 conform to in conformance with the guidelines set forth in ADAAG  
 1066 ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s.  
 1067 A4.6.3 "Universal Parking Design."

1068 (a) All spaces must be located on an accessible route that  
 1069 is at least no less than 44 inches wide so that users are will  
 1070 not be compelled to walk or wheel behind parked vehicles except  
 1071 behind his or her own vehicle.

1072 (b) ~~Each space must be located on the shortest safely~~  
 1073 ~~accessible route from the parking space to an accessible~~  
 1074 ~~entrance.~~ If there are multiple entrances or multiple retail  
 1075 stores, the parking spaces must be dispersed to provide parking  
 1076 at the nearest accessible entrance. If a theme park or an  
 1077 entertainment complex as defined in s. 509.013(9) provides  
 1078 parking in several lots or areas from which access to the theme  
 1079 park or entertainment complex is provided, a single lot or area  
 1080 may be designated for parking by persons who have disabilities,  
 1081 if the lot or area is located on the shortest ~~safely~~ accessible  
 1082 route to an accessible entrance to the theme park or  
 1083 entertainment complex or to transportation to such an accessible  
 1084 entrance.

1085 (c)1. Each parking space must be at least no less than 12  
 1086 feet wide. Parking access aisles must be at least no less than 5  
 1087 feet wide and must be part of an accessible route to the

1088 building or facility entrance. ~~In accordance with ADAAG s.~~  
 1089 ~~4.6.3, access aisles must be placed adjacent to accessible~~  
 1090 ~~parking spaces; however, two accessible parking spaces may share~~  
 1091 ~~a common access aisle.~~ The access aisle must be striped  
 1092 diagonally to designate it as a no-parking zone.

1093 2. The parking access aisles are reserved for the  
 1094 temporary exclusive use of persons who have disabled parking  
 1095 permits and who require extra space to deploy a mobility device,  
 1096 lift, or ramp in order to exit from or enter a vehicle. Parking  
 1097 is not allowed in an access aisle. Violators are subject to the  
 1098 same penalties ~~that are~~ imposed for illegally parking in parking  
 1099 spaces that are designated for persons who have disabilities. A  
 1100 vehicle may not be parked in an access aisle, even if the  
 1101 vehicle owner or passenger is disabled or owns a disabled  
 1102 parking permit.

1103 3. Notwithstanding any other provision of this subsection  
 1104 ~~to the contrary notwithstanding,~~ a theme park or an  
 1105 entertainment complex as defined in s. 509.013(9) in which ~~are~~  
 1106 ~~provided~~ continuous attendant services are provided for  
 1107 directing individuals to marked accessible parking spaces or  
 1108 designated lots for parking by persons who have disabilities,  
 1109 may, in lieu of the required parking space design, provide  
 1110 parking spaces that comply with ADAAG ss. 208 and 502 of the  
 1111 standards 4.1 and 4.6.

1112 (d) On-street parallel parking spaces ~~must be located~~  
 1113 ~~either at the beginning or end of a block or adjacent to alley~~  
 1114 ~~entrances.~~ Such spaces must be designed to conform to in  
 1115 ~~conformance with the guidelines set forth in ADAAG ss. 208 and~~



1116 502 of the standards, except that 4.6.2 through 4.6.5,  
1117 ~~exception:~~ access aisles are not required. Curbs adjacent to  
1118 such spaces must be of a height that does ~~will~~ not interfere  
1119 with the opening and closing of motor vehicle doors. This  
1120 subsection does not relieve the owner of the responsibility to  
1121 comply with the parking requirements of ~~ADAG~~ ss. 208 and 502 of  
1122 the standards 4.1 and 4.6.

1123 ~~(c) Parallel parking spaces must be even with surface~~  
1124 ~~slopes, may match the grade of the adjacent travel lane, and~~  
1125 ~~must not exceed a cross slope of 1 to 50, where feasible.~~

1126 ~~(f) Curb ramps must be located outside of the disabled~~  
1127 ~~parking spaces and access aisles.~~

1128 (e)~~(g)~~1. The removal of architectural barriers from a  
1129 parking facility in accordance with 28 C.F.R. s. 36.304 or with  
1130 s. 553.508 must comply with this section unless compliance would  
1131 cause the barrier removal not to be readily achievable. If  
1132 compliance would cause the barrier removal not to be readily  
1133 achievable, a facility may provide parking spaces at alternative  
1134 locations for persons who have disabilities and provide  
1135 appropriate signage directing such persons ~~who have disabilities~~  
1136 to the alternative parking if readily achievable. The facility  
1137 may not reduce the required number or dimensions of those spaces  
1138 or, nor may it unreasonably increase the length of the  
1139 accessible route from a parking space to the facility. The  
1140 removal of an architectural barrier must not create a  
1141 significant risk to the health or safety of a person who has a  
1142 disability or to ~~that of~~ others.

1143 2. A facility that is making alterations under s.

1144 553.507(2)(b) must comply with this section to the maximum  
1145 extent feasible. If compliance with parking location  
1146 requirements is not feasible, the facility may provide parking  
1147 spaces at alternative locations for persons who have  
1148 disabilities and provide appropriate signage directing such  
1149 persons ~~who have a disability~~ to alternative parking. The  
1150 facility may not reduce the required number or dimensions of  
1151 those spaces, or ~~nor may it~~ unnecessarily increase the length of  
1152 the accessible route from a parking space to the facility. The  
1153 alteration must not create a significant risk to the health or  
1154 safety of a person who has a disability or to ~~that of~~ others.

1155 (6) Each such parking space must be striped in a manner  
1156 that is consistent with the standards of the controlling  
1157 jurisdiction for other spaces and prominently outlined with blue  
1158 paint, and must be repainted when necessary, to be clearly  
1159 distinguishable as a parking space designated for persons who  
1160 have disabilities. The space ~~and~~ must be posted with a permanent  
1161 above-grade sign of a color and design approved by the  
1162 Department of Transportation, which is placed on or at least 60  
1163 inches above the finished floor or ground surface measured to  
1164 the bottom of the sign ~~a distance of 84 inches above the ground~~  
1165 ~~to the bottom of the sign~~ and which bears the international  
1166 symbol of accessibility meeting the requirements of ~~ADAAG~~ s.  
1167 703.7.2.1 of the standards 4.30.7 and the caption "PARKING BY  
1168 DISABLED PERMIT ONLY." Such a sign erected after October 1,  
1169 1996, must indicate the penalty for illegal use of the space.  
1170 Notwithstanding any other provision of this section ~~to the~~  
1171 ~~contrary notwithstanding~~, in a theme park or an entertainment

1172 complex as defined in s. 509.013~~(9)~~ in which accessible parking  
 1173 is located in designated lots or areas, the signage indicating  
 1174 the lot as reserved for accessible parking may be located at the  
 1175 entrances to the lot in lieu of a sign at each parking place.  
 1176 This subsection does not relieve the owner of the responsibility  
 1177 of complying with the signage requirements of ~~ADAAG~~ s. 502.6 of  
 1178 the standards 4.30.

1179 Section 25. Section 553.505, Florida Statutes, is amended  
 1180 to read:

1181 553.505 Exceptions to applicability of the Americans with  
 1182 Disabilities Act.—Notwithstanding the Americans with  
 1183 Disabilities Act of 1990, private clubs are governed by this  
 1184 part ss. 553.501-553.513. ~~Parking spaces, parking lots, and~~  
 1185 ~~other parking facilities are governed by s. 553.5041 when that~~  
 1186 ~~section provides increased accessibility.~~

1187 Section 26. Section 553.506, Florida Statutes, is amended  
 1188 to read:

1189 553.506 Powers of the commission.—In addition to any other  
 1190 authority vested in the Florida Building Commission by law, the  
 1191 commission, in implementing this part ss. 553.501-553.513, may,  
 1192 by rule, adopt revised and updated versions of the Americans  
 1193 with Disabilities Act Standards for Accessible Design  
 1194 ~~Accessibility Guidelines~~ in accordance with chapter 120.

1195 Section 27. Section 553.507, Florida Statutes, is amended  
 1196 to read:

1197 553.507 Applicability Exemptions.—This part applies to  
 1198 ~~Sections 553.501-553.513 do not apply to any of the following:~~

- 1199 (1) All areas of newly designed and newly constructed

1200 buildings and facilities as determined by the federal standards  
 1201 established and adopted pursuant to s. 553.503. Buildings,  
 1202 ~~structures, or facilities that were either under construction or~~  
 1203 ~~under contract for construction on October 1, 1997.~~

1204 (2) Portions of altered buildings and facilities as  
 1205 determined by the federal standards established and adopted  
 1206 pursuant to s. 553.503. Buildings, structures, or facilities  
 1207 ~~that were in existence on October 1, 1997, unless:~~

1208 ~~(a) The building, structure, or facility is being~~  
 1209 ~~converted from residential to nonresidential or mixed use, as~~  
 1210 ~~defined by local law;~~

1211 ~~(b) The proposed alteration or renovation of the building,~~  
 1212 ~~structure, or facility will affect usability or accessibility to~~  
 1213 ~~a degree that invokes the requirements of s. 303(a) of the~~  
 1214 ~~Americans with Disabilities Act of 1990; or~~

1215 ~~(c) The original construction or any former alteration or~~  
 1216 ~~renovation of the building, structure, or facility was carried~~  
 1217 ~~out in violation of applicable permitting law.~~

1218 (3) A building or facility that is being converted from  
 1219 residential to nonresidential or mixed use as defined by the  
 1220 Florida Building Code. Such building or facility must, at a  
 1221 minimum, comply with s. 553.508 and the requirements for  
 1222 alterations as determined by the federal standards established  
 1223 and adopted pursuant to s. 553.503.

1224 (4) Buildings and facilities where the original  
 1225 construction or any former alteration or renovation was carried  
 1226 out in violation of applicable permitting law.

1227 Section 28. Section 553.509, Florida Statutes, is amended

1228 to read:

1229 553.509 Vertical accessibility.—

1230 (1) This part and the Americans with Disabilities Act

1231 Standards for Accessible Design do not ~~Nothing in ss. 553.501-~~

1232 ~~553.513 or the guidelines shall be construed to~~ relieve the

1233 owner of any building, structure, or facility governed by this

1234 part ~~those sections~~ from the duty to provide vertical

1235 accessibility to all levels above and below the occupiable grade

1236 level, regardless of whether the standards ~~guidelines~~ require an

1237 elevator to be installed in such building, structure, or

1238 facility, except for:

1239 (a) Elevator pits, elevator penthouses, mechanical rooms,

1240 piping or equipment catwalks, and automobile lubrication and

1241 maintenance pits and platforms.;

1242 (b) Unoccupiable spaces, such as rooms, enclosed spaces,

1243 and storage spaces that are not designed for human occupancy,

1244 for public accommodations, or for work areas.; ~~and~~

1245 (c) Occupiable spaces and rooms that are not open to the

1246 public and that house no more than five persons, including, but

1247 not limited to, equipment control rooms and projection booths.

1248 (d) Theaters, concert halls, and stadiums, or other large

1249 assembly areas that have stadium-style seating or tiered seating

1250 if ss. 221 and 802 of the standards are met.

1251 (e) All play and recreation areas if the requirements of

1252 chapter 10 of the standards are met.

1253 (f) All employee areas as exempted in s. 203.9 of the

1254 standards.

1255 (g) Facilities, sites, and spaces exempted by s. 203 of

1256 the standards.

1257 ~~(2)(a) Any person, firm, or corporation that owns,~~  
 1258 ~~manages, or operates a residential multifamily dwelling,~~  
 1259 ~~including a condominium, that is at least 75 feet high and~~  
 1260 ~~contains a public elevator, as described in s. 399.035(2) and~~  
 1261 ~~(3) and rules adopted by the Florida Building Commission, shall~~  
 1262 ~~have at least one public elevator that is capable of operating~~  
 1263 ~~on an alternate power source for emergency purposes. Alternate~~  
 1264 ~~power shall be available for the purpose of allowing all~~  
 1265 ~~residents access for a specified number of hours each day over a~~  
 1266 ~~5-day period following a natural disaster, manmade disaster,~~  
 1267 ~~emergency, or other civil disturbance that disrupts the normal~~  
 1268 ~~supply of electricity. The alternate power source that controls~~  
 1269 ~~elevator operations must also be capable of powering any~~  
 1270 ~~connected fire alarm system in the building.~~

1271 ~~(b) At a minimum, the elevator must be appropriately~~  
 1272 ~~prewired and prepared to accept an alternate power source and~~  
 1273 ~~must have a connection on the line side of the main disconnect,~~  
 1274 ~~pursuant to National Electric Code Handbook, Article 700. In~~  
 1275 ~~addition to the required power source for the elevator and~~  
 1276 ~~connected fire alarm system in the building, the alternate power~~  
 1277 ~~supply must be sufficient to provide emergency lighting to the~~  
 1278 ~~interior lobbies, hallways, and other portions of the building~~  
 1279 ~~used by the public. Residential multifamily dwellings must have~~  
 1280 ~~an available generator and fuel source on the property or have~~  
 1281 ~~proof of a current contract posted in the elevator machine room~~  
 1282 ~~or other place conspicuous to the elevator inspector affirming a~~  
 1283 ~~current guaranteed service contract for such equipment and fuel~~

1284 ~~source to operate the elevator on an on-call basis within 24~~  
1285 ~~hours after a request. By December 31, 2006, any person, firm or~~  
1286 ~~corporation that owns, manages, or operates a residential~~  
1287 ~~multifamily dwelling as defined in paragraph (a) must provide to~~  
1288 ~~the local building inspection agency verification of engineering~~  
1289 ~~plans for residential multifamily dwellings that provide for the~~  
1290 ~~capability to generate power by alternate means. Compliance with~~  
1291 ~~installation requirements and operational capability~~  
1292 ~~requirements must be verified by local building inspectors and~~  
1293 ~~reported to the county emergency management agency by December~~  
1294 ~~31, 2007.~~

1295 ~~(c) Each newly constructed residential multifamily~~  
1296 ~~dwelling, including a condominium, that is at least 75 feet high~~  
1297 ~~and contains a public elevator, as described in s. 399.035(2)~~  
1298 ~~and (3) and rules adopted by the Florida Building Commission,~~  
1299 ~~must have at least one public elevator that is capable of~~  
1300 ~~operating on an alternate power source for the purpose of~~  
1301 ~~allowing all residents access for a specified number of hours~~  
1302 ~~each day over a 5-day period following a natural disaster,~~  
1303 ~~manmade disaster, emergency, or other civil disturbance that~~  
1304 ~~disrupts the normal supply of electricity. The alternate power~~  
1305 ~~source that controls elevator operations must be capable of~~  
1306 ~~powering any connected fire alarm system in the building. In~~  
1307 ~~addition to the required power source for the elevator and~~  
1308 ~~connected fire alarm system, the alternate power supply must be~~  
1309 ~~sufficient to provide emergency lighting to the interior~~  
1310 ~~lobbies, hallways, and other portions of the building used by~~  
1311 ~~the public. Engineering plans and verification of operational~~

1312 ~~capability must be provided by the local building inspector to~~  
1313 ~~the county emergency management agency before occupancy of the~~  
1314 ~~newly constructed building.~~

1315 ~~(d) Each person, firm, or corporation that is required to~~  
1316 ~~maintain an alternate power source under this subsection shall~~  
1317 ~~maintain a written emergency operations plan that details the~~  
1318 ~~sequence of operations before, during, and after a natural or~~  
1319 ~~manmade disaster or other emergency situation. The plan must~~  
1320 ~~include, at a minimum, a lifesafety plan for evacuation,~~  
1321 ~~maintenance of the electrical and lighting supply, and~~  
1322 ~~provisions for the health, safety, and welfare of the residents.~~  
1323 ~~In addition, the owner, manager, or operator of the residential~~  
1324 ~~multifamily dwelling must keep written records of any contracts~~  
1325 ~~for alternative power generation equipment. Also, quarterly~~  
1326 ~~inspection records of lifesafety equipment and alternate power~~  
1327 ~~generation equipment must be posted in the elevator machine room~~  
1328 ~~or other place conspicuous to the elevator inspector, which~~  
1329 ~~confirm that such equipment is properly maintained and in good~~  
1330 ~~working condition, and copies of contracts for alternate power~~  
1331 ~~generation equipment shall be maintained on site for~~  
1332 ~~verification. The written emergency operations plan and~~  
1333 ~~inspection records shall also be open for periodic inspection by~~  
1334 ~~local and state government agencies as deemed necessary. The~~  
1335 ~~owner or operator must keep a generator key in a lockbox posted~~  
1336 ~~at or near any installed generator unit.~~

1337 ~~(e) Multistory affordable residential dwellings for~~  
1338 ~~persons age 62 and older that are financed or insured by the~~  
1339 ~~United States Department of Housing and Urban Development must~~



1340 ~~make every effort to obtain grant funding from the Federal~~  
1341 ~~Government or the Florida Housing Finance Corporation to comply~~  
1342 ~~with this subsection. If an owner of such a residential dwelling~~  
1343 ~~cannot comply with the requirements of this subsection, the~~  
1344 ~~owner must develop a plan with the local emergency management~~  
1345 ~~agency to ensure that residents are evacuated to a place of~~  
1346 ~~safety in the event of a power outage resulting from a natural~~  
1347 ~~or manmade disaster or other emergency situation that disrupts~~  
1348 ~~the normal supply of electricity for an extended period of time.~~  
1349 ~~A place of safety may include, but is not limited to, relocation~~  
1350 ~~to an alternative site within the building or evacuation to a~~  
1351 ~~local shelter.~~

1352 ~~(f) As a part of the annual elevator inspection required~~  
1353 ~~under s. 399.061, certified elevator inspectors shall confirm~~  
1354 ~~that all installed generators required by this chapter are in~~  
1355 ~~working order, have current inspection records posted in the~~  
1356 ~~elevator machine room or other place conspicuous to the elevator~~  
1357 ~~inspector, and that the required generator key is present in the~~  
1358 ~~lockbox posted at or near the installed generator. If a building~~  
1359 ~~does not have an installed generator, the inspector shall~~  
1360 ~~confirm that the appropriate rewiring and switching~~  
1361 ~~capabilities are present and that a statement is posted in the~~  
1362 ~~elevator machine room or other place conspicuous to the elevator~~  
1363 ~~inspector affirming a current guaranteed contract exists for~~  
1364 ~~contingent services for alternate power is current for the~~  
1365 ~~operating period.~~

1366 (2) However, buildings, structures, and facilities must,  
1367 as a minimum, comply with the requirements in the Americans with

1368 Disabilities Act Standards for Accessible Design ~~Accessibility~~  
 1369 ~~Guidelines.~~

1370 Section 29. Consistent with the federal implementation of  
 1371 the 2010 Americans with Disabilities Act Standards for  
 1372 Accessible Design, buildings and facilities in this state may be  
 1373 designed in conformity with the 2010 standards if the design  
 1374 also complies with Florida-specific requirements provided in  
 1375 part II of chapter 553, Florida Statutes, until the Florida  
 1376 Accessibility Code for Building Construction is updated to  
 1377 implement the changes to part II of chapter 553, Florida  
 1378 Statutes, as provided by this Act.

1379 Section 30. Effective January 1, 2012, subsections (3),  
 1380 (7), (8), and (9) and paragraph (h) of subsection (10) of  
 1381 section 553.73, Florida Statutes, are amended to read:

1382 553.73 Florida Building Code.—

1383 (3) The commission shall use the International Codes  
 1384 published by the International Code Council, the National  
 1385 Electric Code (NFPA 70), or other nationally adopted model codes  
 1386 and standards needed to develop the base code in Florida ~~select~~  
 1387 ~~from available national or international model building codes,~~  
 1388 ~~or other available building codes and standards currently~~  
 1389 ~~recognized by the laws of this state,~~ to form the foundation for  
 1390 the Florida Building Code. ~~The commission may modify the~~  
 1391 ~~selected model codes and standards as needed to accommodate the~~  
 1392 ~~specific needs of this state. Standards or criteria referenced~~  
 1393 ~~by the selected model codes shall be similarly incorporated by~~  
 1394 ~~reference. If a referenced standard or criterion requires~~  
 1395 ~~amplification or modification to be appropriate for use in this~~

1396 ~~state, only the amplification or modification shall be~~  
1397 ~~specifically set forth in the Florida Building Code.~~ The Florida  
1398 Building Commission may approve technical amendments to the  
1399 code, subject to ~~the requirements of~~ subsections (8) and (9),  
1400 after the amendments have been subject to the following  
1401 conditions:

1402 (a) The proposed amendment has been published on the  
1403 commission's website for a minimum of 45 days and all the  
1404 associated documentation has been made available to any  
1405 interested party before any consideration by a ~~any~~ Technical  
1406 Advisory Committee;

1407 (b) In order for a Technical Advisory Committee to make a  
1408 favorable recommendation to the commission, the proposal must  
1409 receive a three-fourths vote of the members present at the  
1410 Technical Advisory Committee meeting and at least half of the  
1411 regular members must be present in order to conduct a meeting;

1412 (c) After Technical Advisory Committee consideration and a  
1413 recommendation for approval of any proposed amendment, the  
1414 proposal must be published on the commission's website for at  
1415 least ~~not less than~~ 45 days before any consideration by the  
1416 commission; and

1417 (d) A ~~Any~~ proposal may be modified by the commission based  
1418 on public testimony and evidence from a public hearing held in  
1419 accordance with chapter 120.

1420  
1421 The commission shall incorporate within sections of the Florida  
1422 Building Code provisions which address regional and local  
1423 concerns and variations. The commission shall make every effort

1424 to minimize conflicts between the Florida Building Code, the  
 1425 Florida Fire Prevention Code, and the Life Safety Code.

1426 (7) (a) The commission, by rule adopted pursuant to ss.  
 1427 120.536(1) and 120.54, shall update the Florida Building Code  
 1428 every 3 years. When updating the Florida Building Code, the  
 1429 commission shall select the most current version of the  
 1430 International Building Code, the International Fuel Gas Code,  
 1431 the International Mechanical Code, the International Plumbing  
 1432 Code, and the International Residential Code, all of which are  
 1433 adopted by the International Code Council, and the National  
 1434 Electrical Code, which is adopted by the National Fire  
 1435 Protection Association, to form the foundation codes of the  
 1436 updated Florida Building Code, if the version has been adopted  
 1437 by the applicable model code entity. The commission shall select  
 1438 the most current version of the International Energy  
 1439 Conservation Code (IECC) as a foundation code; however, the IECC  
 1440 shall be modified by the commission to maintain the efficiencies  
 1441 of the Florida Energy Efficiency Code for Building Construction  
 1442 adopted and amended pursuant to s. 553.901.

1443 (b) Codes regarding noise contour lines shall be reviewed  
 1444 annually, and the most current federal guidelines shall be  
 1445 adopted.

1446 (c) The commission may modify any portion of the  
 1447 foundation codes only as needed to accommodate the specific  
 1448 needs of this state, ~~maintaining Florida-specific amendments~~  
 1449 ~~previously adopted by the commission and not addressed by the~~  
 1450 ~~updated foundation code~~. Standards or criteria referenced by the  
 1451 codes shall be incorporated by reference. If a referenced

1452 standard or criterion requires amplification or modification to  
 1453 be appropriate for use in this state, only the amplification or  
 1454 modification shall be set forth in the Florida Building Code.  
 1455 The commission may approve technical amendments to the updated  
 1456 Florida Building Code after the amendments have been subject to  
 1457 the conditions set forth in paragraphs (3)(a)-(d). Amendments to  
 1458 the foundation codes which are adopted in accordance with this  
 1459 subsection shall be clearly marked in printed versions of the  
 1460 Florida Building Code so that the fact that the provisions are  
 1461 Florida-specific amendments to the foundation codes is readily  
 1462 apparent.

1463 (d) The commission shall further consider the commission's  
 1464 own interpretations, declaratory statements, appellate  
 1465 decisions, and approved statewide and local technical amendments  
 1466 and shall incorporate such interpretations, statements,  
 1467 decisions, and amendments into the updated Florida Building Code  
 1468 only to the extent that they are needed to modify the foundation  
 1469 codes to accommodate the specific needs of the state. A change  
 1470 made by an institute or standards organization to any standard  
 1471 or criterion that is adopted by reference in the Florida  
 1472 Building Code does not become effective statewide until it has  
 1473 been adopted by the commission. Furthermore, the edition of the  
 1474 Florida Building Code which is in effect on the date of  
 1475 application for any permit authorized by the code governs the  
 1476 permitted work for the life of the permit and any extension  
 1477 granted to the permit.

1478 (e) A rule updating the Florida Building Code in  
 1479 accordance with this subsection shall take effect no sooner than

1480 6 months after publication of the updated code. Any amendment to  
1481 the Florida Building Code which is adopted upon a finding by the  
1482 commission that the amendment is necessary to protect the public  
1483 from immediate threat of harm takes effect immediately.

1484 (f) Provisions of the foundation codes, including those  
1485 contained in referenced standards and criteria, relating to wind  
1486 resistance or the prevention of water intrusion may not be  
1487 modified to diminish those construction requirements; however,  
1488 the commission may, subject to conditions in this subsection,  
1489 modify the provisions to enhance those construction  
1490 requirements.

1491 (g) Amendments or modifications to the foundation code  
1492 pursuant to this subsection shall remain effective only until  
1493 the effective date of a new edition of the Florida Building Code  
1494 every third year. Amendments or modifications related to state  
1495 agency regulations which are adopted and integrated into an  
1496 edition of the Florida Building Code shall be carried forward  
1497 into the next edition of the code, subject to modification as  
1498 provided in this part. Amendments or modifications related to  
1499 the wind-resistance design of buildings and structures within  
1500 the high-velocity hurricane zone of Miami-Dade and Broward  
1501 Counties which are adopted to an edition of the Florida Building  
1502 Code do not expire and shall be carried forward into the next  
1503 edition of the code, subject to review or modification as  
1504 provided in this part. If amendments that expire pursuant to  
1505 this paragraph are resubmitted through the Florida Building  
1506 Commission code adoption process, the amendments must  
1507 specifically address whether:

1508           1. The provisions contained in the proposed amendment are  
 1509 addressed in the applicable international code.

1510           2. The amendment demonstrates by evidence or data that the  
 1511 geographical jurisdiction of Florida exhibits a need to  
 1512 strengthen the foundation code beyond the needs or regional  
 1513 variations addressed by the foundation code, and why the  
 1514 proposed amendment applies to this state.

1515           3. The proposed amendment was submitted or attempted to be  
 1516 included in the foundation codes to avoid resubmission to the  
 1517 Florida Building Code amendment process.

1518  
 1519 If the proposed amendment has been addressed in the  
 1520 international code in a substantially equivalent manner, the  
 1521 Florida Building Commission may not include the proposed  
 1522 amendment in the foundation code.

1523           (8) Notwithstanding the provisions of subsection (3) or  
 1524 subsection (7), the commission may address issues identified in  
 1525 this subsection by amending the code pursuant only to the rule  
 1526 adoption procedures contained in chapter 120. Provisions of the  
 1527 Florida Building Code, including those contained in referenced  
 1528 standards and criteria, relating to wind resistance or the  
 1529 prevention of water intrusion may not be amended pursuant to  
 1530 this subsection to diminish those construction requirements;  
 1531 however, the commission may, subject to conditions in this  
 1532 subsection, amend the provisions to enhance those construction  
 1533 requirements. Following the approval of any amendments to the  
 1534 Florida Building Code by the commission and publication of the  
 1535 amendments on the commission's website, authorities having

1536 jurisdiction to enforce the Florida Building Code may enforce  
 1537 the amendments. The commission may approve amendments that are  
 1538 needed to address:

- 1539       (a) Conflicts within the updated code;
- 1540       (b) Conflicts between the updated code and the Florida  
 1541 Fire Prevention Code adopted pursuant to chapter 633;
- 1542       ~~(c) The omission of previously adopted Florida-specific~~  
 1543 ~~amendments to the updated code if such omission is not supported~~  
 1544 ~~by a specific recommendation of a technical advisory committee~~  
 1545 ~~or particular action by the commission;~~
- 1546       (c) ~~(d)~~ Unintended results from the integration of  
 1547 previously adopted Florida-specific amendments with the model  
 1548 code;
- 1549       (d) ~~(e)~~ Equivalency of standards;
- 1550       (e) ~~(f)~~ Changes to or inconsistencies with federal or state  
 1551 law; or
- 1552       (f) ~~(g)~~ Adoption of an updated edition of the National  
 1553 Electrical Code if the commission finds that delay of  
 1554 implementing the updated edition causes undue hardship to  
 1555 stakeholders or otherwise threatens the public health, safety,  
 1556 and welfare.

1557       (9) (a) The commission may approve technical amendments to  
 1558 the Florida Building Code once each year for statewide or  
 1559 regional application upon a finding that the amendment:

- 1560           1. Is needed in order to accommodate the specific needs of  
 1561 this state.
- 1562           2. Has a reasonable and substantial connection with the  
 1563 health, safety, and welfare of the general public.



1564           3. Strengthens or improves the Florida Building Code, or  
 1565 in the case of innovation or new technology, will provide  
 1566 equivalent or better products or methods or systems of  
 1567 construction.

1568           4. Does not discriminate against materials, products,  
 1569 methods, or systems of construction of demonstrated  
 1570 capabilities.

1571           5. Does not degrade the effectiveness of the Florida  
 1572 Building Code.

1573  
 1574 ~~Furthermore,~~ The Florida Building Commission may approve  
 1575 technical amendments to the code once each year to incorporate  
 1576 into the Florida Building Code its own interpretations of the  
 1577 code which are embodied in its opinions, final orders,  
 1578 declaratory statements, and interpretations of hearing officer  
 1579 panels under s. 553.775(3)(c), but ~~shall do so~~ only to the  
 1580 extent that the incorporation of interpretations is needed to  
 1581 modify the foundation codes to accommodate the specific needs of  
 1582 this state. Amendments approved under this paragraph shall be  
 1583 adopted by rule ~~pursuant to ss. 120.536(1) and 120.54,~~ after the  
 1584 amendments have been subjected to ~~the provisions of~~ subsection  
 1585 (3).

1586           (b) A proposed amendment must ~~shall~~ include a fiscal  
 1587 impact statement that ~~which~~ documents the costs and benefits of  
 1588 the proposed amendment. Criteria for the fiscal impact statement  
 1589 shall be established by rule by the commission and shall include  
 1590 the impact to local government relative to enforcement, the  
 1591 impact to property and building owners, and the impact ~~as well~~

1592 ~~as~~ to industry, relative to the cost of compliance. The  
1593 amendment must demonstrate by evidence or data that the state's  
1594 geographical jurisdiction exhibits a need to strengthen the  
1595 foundation code beyond the needs or regional variations  
1596 addressed by the foundation code and why the proposed amendment  
1597 applies to this state.

1598 (c) The commission may not approve any proposed amendment  
1599 that does not accurately and completely address all requirements  
1600 for amendment which are set forth in this section. The  
1601 commission shall require all proposed amendments and information  
1602 submitted with proposed amendments to be reviewed by commission  
1603 staff prior to consideration by any technical advisory  
1604 committee. These reviews shall be for sufficiency only and are  
1605 not intended to be qualitative in nature. Staff members shall  
1606 reject any proposed amendment that fails to include a fiscal  
1607 impact statement. Proposed amendments rejected by members of the  
1608 staff may not be considered by the commission or any technical  
1609 advisory committee.

1610 (d) Provisions of the Florida Building Code, including  
1611 those contained in referenced standards and criteria, relating  
1612 to wind resistance or the prevention of water intrusion may not  
1613 be amended pursuant to this subsection to diminish those  
1614 construction requirements; however, the commission may, subject  
1615 to conditions in this subsection, amend the provisions to  
1616 enhance those construction requirements.

1617 (10) The following buildings, structures, and facilities  
1618 are exempt from the Florida Building Code as provided by law,  
1619 and any further exemptions shall be as determined by the

1620 Legislature and provided by law:

1621 (h) Storage sheds that are not designed for human  
1622 habitation and that have a floor area of 720 square feet or less  
1623 are not required to comply with the mandatory wind-borne-debris-  
1624 impact standards of the Florida Building Code. In addition, such  
1625 buildings that are 400 square feet or less and that are intended  
1626 for use in conjunction with one- and two-family residences are  
1627 not subject to the door height and width requirements of the  
1628 Florida Building Code.

1629  
1630 With the exception of paragraphs (a), (b), (c), and (f), in  
1631 order to preserve the health, safety, and welfare of the public,  
1632 the Florida Building Commission may, by rule adopted pursuant to  
1633 chapter 120, provide for exceptions to the broad categories of  
1634 buildings exempted in this section, including exceptions for  
1635 application of specific sections of the code or standards  
1636 adopted therein. The Department of Agriculture and Consumer  
1637 Services shall have exclusive authority to adopt by rule,  
1638 pursuant to chapter 120, exceptions to nonresidential farm  
1639 buildings exempted in paragraph (c) when reasonably necessary to  
1640 preserve public health, safety, and welfare. The exceptions must  
1641 be based upon specific criteria, such as under-roof floor area,  
1642 aggregate electrical service capacity, HVAC system capacity, or  
1643 other building requirements. Further, the commission may  
1644 recommend to the Legislature additional categories of buildings,  
1645 structures, or facilities which should be exempted from the  
1646 Florida Building Code, to be provided by law. The Florida  
1647 Building Code does not apply to temporary housing provided by

1648 the Department of Corrections to any prisoner in the state  
 1649 correctional system.

1650 Section 31. Paragraph (v) of subsection (1) of section  
 1651 553.74, Florida Statutes, is amended to read:

1652 553.74 Florida Building Commission.—

1653 (1) The Florida Building Commission is created and shall  
 1654 be located within the Department of Community Affairs for  
 1655 administrative purposes. Members shall be appointed by the  
 1656 Governor subject to confirmation by the Senate. The commission  
 1657 shall be composed of 25 members, consisting of the following:

1658 (v) One member who is a representative of the green  
 1659 building industry and who is a third-party commission agent, a  
 1660 Florida board member of the United States Green Building Council  
 1661 or Green Building Initiative, a professional who is accredited  
 1662 under the International Green Construction Code (IGCC), or a  
 1663 professional who is accredited under Leadership in Energy and  
 1664 Environmental Design (LEED) ~~LEED-accredited professional.~~

1665  
 1666 Any person serving on the commission under paragraph (c) or  
 1667 paragraph (h) on October 1, 2003, and who has served less than  
 1668 two full terms is eligible for reappointment to the commission  
 1669 regardless of whether he or she meets the new qualification.

1670 Section 32. Subsection (5) of section 553.842, Florida  
 1671 Statutes, is amended to read:

1672 553.842 Product evaluation and approval.—

1673 (5) Statewide approval of products, methods, or systems of  
 1674 construction may be achieved by one of the following methods.  
 1675 One of these methods must be used by the commission to approve

1676 the following categories of products: panel walls, exterior  
1677 doors, roofing, skylights, windows, shutters, and structural  
1678 components as established by the commission by rule. A product  
1679 may not be advertised, sold, offered, provided, distributed, or  
1680 marketed as hurricane, windstorm, or impact protection from  
1681 wind-borne debris from a hurricane or windstorm unless it is  
1682 approved pursuant to s. 553.842 or s. 553.8425. Any person who  
1683 advertises, sells, offers, provides, distributes, or markets a  
1684 product as hurricane, windstorm, or impact protection from wind-  
1685 borne debris without such approval is subject to the Florida  
1686 Deceptive and Unfair Trade Practices Act under part II of  
1687 chapter 501 brought by the enforcing authority as defined in s.  
1688 501.203.

1689 (a) Products for which the code establishes standardized  
1690 testing or comparative or rational analysis methods shall be  
1691 approved by submittal and validation of one of the following  
1692 reports or listings indicating that the product or method or  
1693 system of construction was ~~evaluated to be~~ in compliance with  
1694 the Florida Building Code and that the product or method or  
1695 system of construction is, for the purpose intended, at least  
1696 equivalent to that required by the Florida Building Code:

- 1697 1. A certification mark or listing of an approved  
1698 certification agency, which may be used only for products for  
1699 which the code designates standardized testing;
- 1700 2. A test report from an approved testing laboratory;
- 1701 3. A product evaluation report based upon testing or  
1702 comparative or rational analysis, or a combination thereof, from  
1703 an approved product evaluation entity; or

1704 4. A product evaluation report based upon testing or  
1705 comparative or rational analysis, or a combination thereof,  
1706 developed and signed and sealed by a professional engineer or  
1707 architect, licensed in this state.

1708  
1709 A product evaluation report or a certification mark or listing  
1710 of an approved certification agency which demonstrates that the  
1711 product or method or system of construction complies with the  
1712 Florida Building Code for the purpose intended is ~~shall be~~  
1713 equivalent to a test report and test procedure ~~as~~ referenced in  
1714 the Florida Building Code. An application for state approval of  
1715 a product under subparagraph 1. must be approved by the  
1716 department after the commission staff or a designee verifies  
1717 that the application and related documentation are complete.  
1718 This verification must be completed within 10 business days  
1719 after receipt of the application. Upon approval by the  
1720 department, the product shall be immediately added to the list  
1721 of state-approved products maintained under subsection (13).  
1722 Approvals by the department shall be reviewed and ratified by  
1723 the commission's program oversight committee except for a  
1724 showing of good cause that a review by the full commission is  
1725 necessary. The commission shall adopt rules providing means to  
1726 cure deficiencies identified within submittals for products  
1727 approved under this paragraph.

1728 (b) Products, methods, or systems of construction for  
1729 which there are no specific standardized testing or comparative  
1730 or rational analysis methods established in the code may be  
1731 approved by submittal and validation of one of the following:

1732 1. A product evaluation report based upon testing or  
 1733 comparative or rational analysis, or a combination thereof, from  
 1734 an approved product evaluation entity indicating that the  
 1735 product or method or system of construction was ~~evaluated to be~~  
 1736 in compliance with the intent of the Florida Building Code and  
 1737 that the product or method or system of construction is, for the  
 1738 purpose intended, at least equivalent to that required by the  
 1739 Florida Building Code; or

1740 2. A product evaluation report based upon testing or  
 1741 comparative or rational analysis, or a combination thereof,  
 1742 developed and signed and sealed by a professional engineer or  
 1743 architect, licensed in this state, who certifies that the  
 1744 product or method or system of construction is, for the purpose  
 1745 intended, at least equivalent to that required by the Florida  
 1746 Building Code.

1747 Section 33. Section 553.9061, Florida Statutes, is  
 1748 repealed.

1749 Section 34. Subsections (3), (4), and (5) of section  
 1750 553.909, Florida Statutes, are amended to read:

1751 553.909 Setting requirements for appliances; exceptions.—

1752 (3) Commercial or residential swimming pool ~~pumps or water~~  
 1753 heaters manufactured and sold on or after December 31, 2011, for  
 1754 installation in this state must ~~July 1, 2011, shall~~ comply with  
 1755 the requirements of the Florida Energy Efficiency Code for  
 1756 Building Construction ~~this subsection.~~

1757 ~~(a) Natural gas pool heaters shall not be equipped with~~  
 1758 ~~constantly burning pilots.~~

1759 ~~(b) Heat pump pool heaters shall have a coefficient of~~

1760 ~~performance at low temperature of not less than 4.0.~~

1761 ~~(c) The thermal efficiency of gas-fired pool heaters and~~  
1762 ~~oil-fired pool heaters shall not be less than 78 percent.~~

1763 ~~(d) All pool heaters shall have a readily accessible on-~~  
1764 ~~off switch that is mounted outside the heater and that allows~~  
1765 ~~shutting off the heater without adjusting the thermostat~~  
1766 ~~setting.~~

1767 (4) ~~(a)~~ Residential swimming pool filtration pumps and pump  
1768 motors manufactured and sold on or after December 31, 2011, for  
1769 installation in this state July 1, 2011, must comply with the  
1770 requirements of the Florida Energy Efficiency Code for Building  
1771 Construction in this subsection.

1772 ~~(b) Residential filtration pool pump motors shall not be~~  
1773 ~~split-phase, shaded-pole, or capacitor start-induction run~~  
1774 ~~types.~~

1775 ~~(c) Residential filtration pool pumps and pool pump motors~~  
1776 ~~with a total horsepower of 1 HP or more shall have the~~  
1777 ~~capability of operating at two or more speeds with a low speed~~  
1778 ~~having a rotation rate that is no more than one-half of the~~  
1779 ~~motor's maximum rotation rate.~~

1780 ~~(d) Residential filtration pool pump motor controls shall~~  
1781 ~~have the capability of operating the pool pump at a minimum of~~  
1782 ~~two speeds. The default circulation speed shall be the~~  
1783 ~~residential filtration speed, with a higher speed override~~  
1784 ~~capability being for a temporary period not to exceed one normal~~  
1785 ~~cycle or 24 hours, whichever is less; except that circulation~~  
1786 ~~speed for solar pool heating systems shall be permitted to run~~  
1787 ~~at higher speeds during periods of usable solar heat gain.~~



1788 (5) Portable electric spas manufactured and sold on or  
 1789 after December 31, 2011, for installation in this state must  
 1790 comply with the requirements of the Florida Energy Efficiency  
 1791 Code for Building Construction ~~spa standby power shall not be~~  
 1792 ~~greater than 5(V<sup>2</sup>/3) watts where V = the total volume, in~~  
 1793 ~~gallons, when spas are measured in accordance with the spa~~  
 1794 ~~industry test protocol.~~

1795 Section 35. Paragraph (a) of subsection (2) of section  
 1796 627.711, Florida Statutes, is amended to read:

1797 627.711 Notice of premium discounts for hurricane loss  
 1798 mitigation; uniform mitigation verification inspection form.—

1799 (2) (a) The Financial Services Commission shall develop by  
 1800 rule a uniform mitigation verification inspection form that  
 1801 shall be used by all insurers when submitted by policyholders  
 1802 for the purpose of factoring discounts for wind insurance. In  
 1803 developing the form, the commission shall seek input from  
 1804 insurance, construction, and building code representatives.  
 1805 Further, the commission shall provide guidance as to the length  
 1806 of time the inspection results are valid. An insurer shall  
 1807 accept as valid a uniform mitigation verification form signed by  
 1808 the following authorized mitigation inspectors:

1809 1. A home inspector licensed under s. 468.8314 who has  
 1810 completed at least 3 hours of hurricane mitigation training  
 1811 approved by the Construction Industry Licensing Board which  
 1812 includes hurricane mitigation techniques and compliance with the  
 1813 uniform mitigation verification form and completion of a  
 1814 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~  
 1815 ~~468.8314 must complete at least 2 hours of continuing education,~~

1816 ~~as part of the existing licensure renewal requirements each~~  
1817 ~~year, related to mitigation inspection and the uniform~~  
1818 ~~mitigation form;~~

1819 2. A building code inspector certified under s. 468.607;

1820 3. A general, building, or residential contractor licensed  
1821 under s. 489.111;

1822 4. A professional engineer licensed under s. 471.015;

1823 5. A professional architect licensed under s. 481.213; or

1824 6. Any other individual or entity recognized by the  
1825 insurer as possessing the necessary qualifications to properly  
1826 complete a uniform mitigation verification form.

1827 Section 36. Except as otherwise expressly provided in this  
1828 act, this act shall take effect July 1, 2011.