



332884

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/12/2012	.	
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The Committee on Community Affairs (Bennett) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 162.12, Florida  
Statutes, is amended to read:

162.12 Notices.—

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

(a) Certified mail to, ~~return receipt requested, provided  
if such notice is sent under this paragraph to the owner of the  
property in question at the address listed in the tax~~



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13 collector's office for tax notices, or to ~~and at~~ any other  
14 address provided by the property owner in writing to the local  
15 government for the purpose of receiving notices. For property  
16 owned by a corporation, notices may be provided by certified  
17 mail, return receipt requested, to the registered agent of the  
18 corporation. If any notice sent by certified mail is not signed  
19 as received within 30 days after the date of mailing by such  
20 ~~owner and is returned as unclaimed or refused~~, notice may be  
21 provided by posting as described in subparagraphs (2)(b)1. and  
22 2. ~~and by first class mail directed to the addresses furnished~~  
23 ~~to the local government with a properly executed proof of~~  
24 ~~mailing or affidavit confirming the first class mailing;~~

25 (b) Hand delivery by the sheriff or other law enforcement  
26 officer, code inspector, or other person designated by the local  
27 governing body;

28 (c) Leaving the notice at the violator's usual place of  
29 residence with any person residing therein who is above 15 years  
30 of age and informing such person of the contents of the notice;  
31 or

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

34  
35 Evidence that an attempt has been made to hand deliver or mail  
36 notice as provided in subsection (1), together with proof of  
37 publication or posting as provided in subsection (2), shall be  
38 sufficient to show that the notice requirements of this part  
39 have been met, without regard to whether or not the alleged  
40 violator actually received such notice.

41 Section 2. Present paragraphs (b) through (p) of subsection



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42 (2) of section 381.0065, Florida Statutes, are redesignated as  
43 paragraphs (c) through (q), respectively, a new paragraph (b) is  
44 added to that subsection, and paragraphs (w) through (z) are  
45 added to subsection (4) of that section, to read:

46 381.0065 Onsite sewage treatment and disposal systems;  
47 regulation.—

48 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
49 term:

50 (b)1. "Bedroom" means a room that can be used for sleeping  
51 and that:

52 a. For site-built dwellings, has a minimum of 70 square  
53 feet of conditioned space;

54 b. For manufactured homes, is constructed according to the  
55 standards of the United States Department of Housing and Urban  
56 Development and has a minimum of 50 square feet of floor area;

57 c. Is located along an exterior wall;

58 d. Has a closet and a door or an entrance where a door  
59 could be reasonably installed; and

60 e. Has an emergency means of escape and rescue opening to  
61 the outside.

62 2. A room may not be considered a bedroom if it is used to  
63 access another room except a bathroom or closet.

64 3. "Bedroom" does not include a hallway, bathroom, kitchen,  
65 living room, family room, dining room, den, breakfast nook,  
66 pantry, laundry room, sunroom, recreation room, media/video  
67 room, or exercise room.

68 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
69 construct, repair, modify, abandon, or operate an onsite sewage  
70 treatment and disposal system without first obtaining a permit



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71 approved by the department. The department may issue permits to  
72 carry out this section, but shall not make the issuance of such  
73 permits contingent upon prior approval by the Department of  
74 Environmental Protection, except that the issuance of a permit  
75 for work seaward of the coastal construction control line  
76 established under s. 161.053 shall be contingent upon receipt of  
77 any required coastal construction control line permit from the  
78 Department of Environmental Protection. A construction permit is  
79 valid for 18 months from the issuance date and may be extended  
80 by the department for one 90-day period under rules adopted by  
81 the department. A repair permit is valid for 90 days from the  
82 date of issuance. An operating permit must be obtained prior to  
83 the use of any aerobic treatment unit or if the establishment  
84 generates commercial waste. Buildings or establishments that use  
85 an aerobic treatment unit or generate commercial waste shall be  
86 inspected by the department at least annually to assure  
87 compliance with the terms of the operating permit. The operating  
88 permit for a commercial wastewater system is valid for 1 year  
89 from the date of issuance and must be renewed annually. The  
90 operating permit for an aerobic treatment unit is valid for 2  
91 years from the date of issuance and must be renewed every 2  
92 years. If all information pertaining to the siting, location,  
93 and installation conditions or repair of an onsite sewage  
94 treatment and disposal system remains the same, a construction  
95 or repair permit for the onsite sewage treatment and disposal  
96 system may be transferred to another person, if the transferee  
97 files, within 60 days after the transfer of ownership, an  
98 amended application providing all corrected information and  
99 proof of ownership of the property. There is no fee associated



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100 with the processing of this supplemental information. A person  
101 may not contract to construct, modify, alter, repair, service,  
102 abandon, or maintain any portion of an onsite sewage treatment  
103 and disposal system without being registered under part III of  
104 chapter 489. A property owner who personally performs  
105 construction, maintenance, or repairs to a system serving his or  
106 her own owner-occupied single-family residence is exempt from  
107 registration requirements for performing such construction,  
108 maintenance, or repairs on that residence, but is subject to all  
109 permitting requirements. A municipality or political subdivision  
110 of the state may not issue a building or plumbing permit for any  
111 building that requires the use of an onsite sewage treatment and  
112 disposal system unless the owner or builder has received a  
113 construction permit for such system from the department. A  
114 building or structure may not be occupied and a municipality,  
115 political subdivision, or any state or federal agency may not  
116 authorize occupancy until the department approves the final  
117 installation of the onsite sewage treatment and disposal system.  
118 A municipality or political subdivision of the state may not  
119 approve any change in occupancy or tenancy of a building that  
120 uses an onsite sewage treatment and disposal system until the  
121 department has reviewed the use of the system with the proposed  
122 change, approved the change, and amended the operating permit.

123 (n) Evaluations for determining the seasonal high-water  
124 table elevations or the suitability of soils for the use of a  
125 new onsite sewage treatment and disposal system shall be  
126 performed by department personnel, professional engineers  
127 registered in the state, or such other persons with expertise,  
128 as defined by rule, in making such evaluations. Evaluations for



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129 determining mean annual flood lines shall be performed by those  
130 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department  
131 shall accept evaluations submitted by professional engineers and  
132 such other persons as meet the expertise established by this  
133 section or by rule unless the department has a reasonable  
134 scientific basis for questioning the accuracy or completeness of  
135 the evaluation.

136 (w) A permit that is approved by the department and issued  
137 for the installation, modification, or repair of an onsite  
138 sewage treatment and disposal system shall be transferred along  
139 with the title to the property in a real estate transaction. A  
140 title may not be encumbered at the time of transfer by new  
141 permit requirements by a governmental entity for an onsite  
142 sewage treatment and disposal system which differ from the  
143 permitting requirements in effect at the time the system was  
144 permitted, modified, or repaired.

145 (x)1. An onsite sewage treatment and disposal system is not  
146 considered abandoned if the system is disconnected from a  
147 structure that was made unusable or destroyed following a  
148 disaster and was properly functioning at the time of  
149 disconnection and was not adversely affected by the disaster.  
150 The onsite sewage treatment and disposal system may be  
151 reconnected to a rebuilt structure if:

152 a. The reconnection of the system is to the same type of  
153 structure which contains the same number of bedrooms or fewer,  
154 provided that the square footage of the structure is less than  
155 or equal to 110 percent of the original square footage of the  
156 structure that existed before the disaster;

157 b. The system is not a sanitary nuisance; and



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158        c. The system has not been altered without prior  
159 authorization.

160        2. An onsite sewage treatment and disposal system that  
161 serves a property that is foreclosed upon is not considered  
162 abandoned.

163        (y) If an onsite sewage treatment and disposal system  
164 permittee receives, relies upon, and undertakes construction of  
165 a system based upon a validly issued construction permit under  
166 rules applicable at the time of construction but a change to a  
167 rule occurs after the approval of the system for construction  
168 but before the final approval of the system, the rules  
169 applicable and in effect at the time of construction approval  
170 apply at the time of final approval if fundamental site  
171 conditions have not changed between the time of construction  
172 approval and final approval.

173        (z) A modification, replacement, or upgrade of an onsite  
174 sewage treatment and disposal system is not required for a  
175 remodeling addition to a single-family home if a bedroom is not  
176 added.

177        Section 3. Section 468.604, Florida Statutes, is amended to  
178 read:

179        468.604 Responsibilities of building code administrators,  
180 plans examiners, and inspectors.—

181        (1) It is the responsibility of the building code  
182 administrator or building official to administrate, supervise,  
183 direct, enforce, or perform the permitting and inspection of  
184 construction, alteration, repair, remodeling, or demolition of  
185 structures and the installation of building systems within the  
186 boundaries of their governmental jurisdiction, when permitting



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187 is required, to ensure compliance with the Florida Building Code  
188 and any applicable local technical amendment to the Florida  
189 Building Code. The building code administrator or building  
190 official shall faithfully perform these responsibilities without  
191 interference from any person. These responsibilities include:

192 (a) The review of construction plans to ensure compliance  
193 with all applicable sections of the code. The construction plans  
194 must be reviewed before the issuance of any building, system  
195 installation, or other construction permit. The review of  
196 construction plans must be done by the building code  
197 administrator or building official or by a person having the  
198 appropriate plans examiner license issued under this chapter.

199 (b) The inspection of each phase of construction where a  
200 building or other construction permit has been issued. The  
201 building code administrator or building official, or a person  
202 having the appropriate building code inspector license issued  
203 under this chapter, shall inspect the construction or  
204 installation to ensure that the work is performed in accordance  
205 with applicable sections of the code.

206 (2) It is the responsibility of the building code inspector  
207 to conduct inspections of construction, alteration, repair,  
208 remodeling, or demolition of structures and the installation of  
209 building systems, when permitting is required, to ensure  
210 compliance with the Florida Building Code and any applicable  
211 local technical amendment to the Florida Building Code. Each  
212 building code inspector must be licensed in the appropriate  
213 category as defined in s. 468.603. The building code inspector's  
214 responsibilities must be performed under the direction of the  
215 building code administrator or building official without





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216 interference from any unlicensed person.

217 (3) It is the responsibility of the plans examiner to  
218 conduct review of construction plans submitted in the permit  
219 application to assure compliance with the Florida Building Code  
220 and any applicable local technical amendment to the Florida  
221 Building Code. The review of construction plans must be done by  
222 the building code administrator or building official or by a  
223 person licensed in the appropriate plans examiner category as  
224 defined in s. 468.603. The plans examiner's responsibilities  
225 must be performed under the supervision and authority of the  
226 building code administrator or building official without  
227 interference from any unlicensed person.

228 (4) The Legislature finds that the electronic filing of  
229 construction plans will increase government efficiency, reduce  
230 costs, and increase timeliness of processing permits. If the  
231 building code administrator or building official provides for  
232 electronic filing, the construction plans, drawings,  
233 specifications, reports, final documents, or documents prepared  
234 or issued by a licensee may be dated and electronically signed  
235 and sealed by the licensee in accordance with ss. 668.001-  
236 668.006 and may be transmitted electronically to the building  
237 code administrator or building official for approval.

238 Section 4. Paragraph (c) of subsection (2) and paragraph  
239 (a) of subsection (7) of section 468.609, Florida Statutes, are  
240 amended to read:

241 468.609 Administration of this part; standards for  
242 certification; additional categories of certification.—

243 (2) A person may take the examination for certification as  
244 a building code inspector or plans examiner pursuant to this



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245 part if the person:

246 (c) Meets eligibility requirements according to one of the  
247 following criteria:

248 1. Demonstrates 5 years' combined experience in the field  
249 of construction or a related field, building code inspection, or  
250 plans review corresponding to the certification category sought;

251 2. Demonstrates a combination of postsecondary education in  
252 the field of construction or a related field and experience  
253 which totals 4 years, with at least 1 year of such total being  
254 experience in construction, building code inspection, or plans  
255 review;

256 3. Demonstrates a combination of technical education in the  
257 field of construction or a related field and experience which  
258 totals 4 years, with at least 1 year of such total being  
259 experience in construction, building code inspection, or plans  
260 review;

261 4. Currently holds a standard certificate as issued by the  
262 board, or a fire safety inspector license issued pursuant to  
263 chapter 633, and has a minimum of 2 years' verifiable full-time  
264 experience in inspection or plan review and satisfactorily  
265 completes a building code inspector or plans examiner training  
266 program of not less than 200 hours in the certification category  
267 sought. The board shall establish by rule criteria for the  
268 development and implementation of the training programs; or

269 5. Demonstrates a combination of the completion of an  
270 approved training program in the field of building code  
271 inspection or plan review and a minimum of 2 years' experience  
272 in the field of building code inspection, plan review, fire code  
273 inspections and fire plans review of new buildings as a



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274 firesafety inspector certified under s. 633.081(2), or  
275 construction. The approved training portion of this requirement  
276 shall include proof of satisfactory completion of a training  
277 program of not less than 300 hours which is approved by the  
278 board in the chosen category of building code inspection or plan  
279 review in the certification category sought with not less than  
280 20 hours of instruction in state laws, rules, and ethics  
281 relating to professional standards of practice, duties, and  
282 responsibilities of a certificateholder. The board shall  
283 coordinate with the Building Officials Association of Florida,  
284 Inc., to establish by rule the development and implementation of  
285 the training program.

286 (7) (a) The board may provide for the issuance of  
287 provisional certificates valid for 1 year ~~such period, not less~~  
288 ~~than 3 years nor more than 5 years~~, as specified by board rule,  
289 to any newly employed or promoted building code inspector or  
290 plans examiner who meets the eligibility requirements described  
291 in subsection (2) and any newly employed or promoted building  
292 code administrator who meets the eligibility requirements  
293 described in subsection (3). The provisional license may be  
294 renewed by the board for just cause; however, a provisional  
295 license is not valid for a period longer than 3 years.

296 Section 5. Subsection (3) of section 489.105, Florida  
297 Statutes, is amended, and subsection (6) of that section is  
298 reenacted, to read:

299 489.105 Definitions.—As used in this part:

300 (3) "Contractor" means the person who is qualified for, and  
301 is only responsible for, the project contracted for and means,  
302 except as exempted in this part, the person who, for



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303 compensation, undertakes to, submits a bid to, or does himself  
304 or herself or by others construct, repair, alter, remodel, add  
305 to, demolish, subtract from, or improve any building or  
306 structure, including related improvements to real estate, for  
307 others or for resale to others; and whose job scope is  
308 substantially similar to the job scope described in one of the  
309 ~~subsequent~~ paragraphs of this subsection. For the purposes of  
310 regulation under this part, the term "demolish" applies only to  
311 demolition of steel tanks more than ~~over~~ 50 feet in height;  
312 towers more than ~~over~~ 50 feet in height; other structures more  
313 than ~~over~~ 50 feet in height; and all, ~~other than~~ buildings or  
314 residences ~~over three stories tall; and buildings or residences~~  
315 ~~over three stories tall~~. Contractors are subdivided into two  
316 divisions, Division I, consisting of those contractors defined  
317 in paragraphs (a)-(c), and Division II, consisting of those  
318 contractors defined in paragraphs (d)-(r):

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

324 (b) "Building contractor" means a contractor whose services  
325 are limited to construction of commercial buildings and single-  
326 dwelling or multiple-dwelling residential buildings, which do  
327 not exceed three stories in height, and accessory use structures  
328 in connection therewith or a contractor whose services are  
329 limited to remodeling, repair, or improvement of any size  
330 building if the services do not affect the structural members of  
331 the building.



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332 (c) "Residential contractor" means a contractor whose  
333 services are limited to construction, remodeling, repair, or  
334 improvement of one-family, two-family, or three-family  
335 residences not exceeding two habitable stories above no more  
336 than one uninhabitable story and accessory use structures in  
337 connection therewith.

338 (d) "Sheet metal contractor" means a contractor whose  
339 services are unlimited in the sheet metal trade and who has the  
340 experience, knowledge, and skill necessary for the manufacture,  
341 fabrication, assembling, handling, erection, installation,  
342 dismantling, conditioning, adjustment, insulation, alteration,  
343 repair, servicing, or design, if not prohibited by law, of  
344 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
345 equivalent or lighter gauge and of other materials, including,  
346 but not limited to, fiberglass, used in lieu thereof and of air-  
347 handling systems, including the setting of air-handling  
348 equipment and reinforcement of same, the balancing of air-  
349 handling systems, and any duct cleaning and equipment sanitizing  
350 that requires at least a partial disassembling of the system.

351 (e) "Roofing contractor" means a contractor whose services  
352 are unlimited in the roofing trade and who has the experience,  
353 knowledge, and skill to install, maintain, repair, alter,  
354 extend, or design, if not prohibited by law, and use materials  
355 and items used in the installation, maintenance, extension, and  
356 alteration of all kinds of roofing, waterproofing, and coating,  
357 except when coating is not represented to protect, repair,  
358 waterproof, stop leaks, or extend the life of the roof. The  
359 scope of work of a roofing contractor also includes required  
360 roof-deck attachments and any repair or replacement of wood roof



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361 sheathing or fascia as needed during roof repair or replacement.

362 (f) "Class A air-conditioning contractor" means a  
363 contractor whose services are unlimited in the execution of  
364 contracts requiring the experience, knowledge, and skill to  
365 install, maintain, repair, fabricate, alter, extend, or design,  
366 if not prohibited by law, central air-conditioning,  
367 refrigeration, heating, and ventilating systems, including duct  
368 work in connection with a complete system if such duct work is  
369 performed by the contractor as necessary to complete an air-  
370 distribution system, boiler and unfired pressure vessel systems,  
371 and all appurtenances, apparatus, or equipment used in  
372 connection therewith, and any duct cleaning and equipment  
373 sanitizing that requires at least a partial disassembling of the  
374 system; to install, maintain, repair, fabricate, alter, extend,  
375 or design, if not prohibited by law, piping, insulation of  
376 pipes, vessels and ducts, pressure and process piping, and  
377 pneumatic control piping; to replace, disconnect, or reconnect  
378 power wiring on the load side of the dedicated existing  
379 electrical disconnect switch; to install, disconnect, and  
380 reconnect low voltage heating, ventilating, and air-conditioning  
381 control wiring; and to install a condensate drain from an air-  
382 conditioning unit to an existing safe waste or other approved  
383 disposal other than a direct connection to a sanitary system.  
384 The scope of work for such contractor also includes any  
385 excavation work incidental thereto, but does not include any  
386 work such as liquefied petroleum or natural gas fuel lines  
387 within buildings, except for disconnecting or reconnecting  
388 changeouts of liquefied petroleum or natural gas appliances  
389 within buildings; potable water lines or connections thereto;



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390 sanitary sewer lines; swimming pool piping and filters; or  
391 electrical power wiring.

392 (g) "Class B air-conditioning contractor" means a  
393 contractor whose services are limited to 25 tons of cooling and  
394 500,000 Btu of heating in any one system in the execution of  
395 contracts requiring the experience, knowledge, and skill to  
396 install, maintain, repair, fabricate, alter, extend, or design,  
397 if not prohibited by law, central air-conditioning,  
398 refrigeration, heating, and ventilating systems, including duct  
399 work in connection with a complete system only to the extent  
400 such duct work is performed by the contractor as necessary to  
401 complete an air-distribution system being installed under this  
402 classification, and any duct cleaning and equipment sanitizing  
403 that requires at least a partial disassembling of the system; to  
404 install, maintain, repair, fabricate, alter, extend, or design,  
405 if not prohibited by law, piping and insulation of pipes,  
406 vessels, and ducts; to replace, disconnect, or reconnect power  
407 wiring on the load side of the dedicated existing electrical  
408 disconnect switch; to install, disconnect, and reconnect low  
409 voltage heating, ventilating, and air-conditioning control  
410 wiring; and to install a condensate drain from an air-  
411 conditioning unit to an existing safe waste or other approved  
412 disposal other than a direct connection to a sanitary system.  
413 The scope of work for such contractor also includes any  
414 excavation work incidental thereto, but does not include any  
415 work such as liquefied petroleum or natural gas fuel lines  
416 within buildings, except for disconnecting or reconnecting  
417 changeouts of liquefied petroleum or natural gas appliances  
418 within buildings; potable water lines or connections thereto;



419 sanitary sewer lines; swimming pool piping and filters; or  
420 electrical power wiring.

421 (h) "Class C air-conditioning contractor" means a  
422 contractor whose business is limited to the servicing of air-  
423 conditioning, heating, or refrigeration systems, including any  
424 duct cleaning and equipment sanitizing that requires at least a  
425 partial disassembling of the system, and whose certification or  
426 registration, issued pursuant to this part, was valid on October  
427 1, 1988. Only a person who was registered or certified as a  
428 Class C air-conditioning contractor as of October 1, 1988, shall  
429 be so registered or certified after October 1, 1988. However,  
430 the board shall continue to license and regulate those Class C  
431 air-conditioning contractors who held Class C licenses before  
432 October 1, 1988.

433 (i) "Mechanical contractor" means a contractor whose  
434 services are unlimited in the execution of contracts requiring  
435 the experience, knowledge, and skill to install, maintain,  
436 repair, fabricate, alter, extend, or design, if not prohibited  
437 by law, central air-conditioning, refrigeration, heating, and  
438 ventilating systems, including duct work in connection with a  
439 complete system if such duct work is performed by the contractor  
440 as necessary to complete an air-distribution system, boiler and  
441 unfired pressure vessel systems, lift station equipment and  
442 piping, and all appurtenances, apparatus, or equipment used in  
443 connection therewith, and any duct cleaning and equipment  
444 sanitizing that requires at least a partial disassembling of the  
445 system; to install, maintain, repair, fabricate, alter, extend,  
446 or design, if not prohibited by law, piping, insulation of  
447 pipes, vessels and ducts, pressure and process piping, pneumatic





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448 control piping, gasoline tanks and pump installations and piping  
449 for same, standpipes, air piping, vacuum line piping, oxygen  
450 lines, nitrous oxide piping, ink and chemical lines, fuel  
451 transmission lines, liquefied petroleum gas lines within  
452 buildings, and natural gas fuel lines within buildings; to  
453 replace, disconnect, or reconnect power wiring on the load side  
454 of the dedicated existing electrical disconnect switch; to  
455 install, disconnect, and reconnect low voltage heating,  
456 ventilating, and air-conditioning control wiring; and to install  
457 a condensate drain from an air-conditioning unit to an existing  
458 safe waste or other approved disposal other than a direct  
459 connection to a sanitary system. The scope of work for such  
460 contractor also includes any excavation work incidental thereto,  
461 but does not include any work such as potable water lines or  
462 connections thereto, sanitary sewer lines, swimming pool piping  
463 and filters, or electrical power wiring.

464 (j) "Commercial pool/spa contractor" means a contractor  
465 whose scope of work involves, but is not limited to, the  
466 construction, repair, and servicing of any swimming pool, or hot  
467 tub or spa, whether public, private, or otherwise, regardless of  
468 use. The scope of work includes the installation, repair, or  
469 replacement of existing equipment, any cleaning or equipment  
470 sanitizing that requires at least a partial disassembling,  
471 excluding filter changes, and the installation of new pool/spa  
472 equipment, interior finishes, the installation of package pool  
473 heaters, the installation of all perimeter piping and filter  
474 piping, and the construction of equipment rooms or housing for  
475 pool/spa equipment, and also includes the scope of work of a  
476 swimming pool/spa servicing contractor. The scope of such work



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477 does not include direct connections to a sanitary sewer system  
478 or to potable water lines. The installation, construction,  
479 modification, or replacement of equipment permanently attached  
480 to and associated with the pool or spa for the purpose of water  
481 treatment or cleaning of the pool or spa requires licensure;  
482 however, the usage of such equipment for the purposes of water  
483 treatment or cleaning does not require licensure unless the  
484 usage involves construction, modification, or replacement of  
485 such equipment. Water treatment that does not require such  
486 equipment does not require a license. In addition, a license is  
487 not required for the cleaning of the pool or spa in a way that  
488 does not affect the structural integrity of the pool or spa or  
489 its associated equipment.

490 (k) "Residential pool/spa contractor" means a contractor  
491 whose scope of work involves, but is not limited to, the  
492 construction, repair, and servicing of a residential swimming  
493 pool, or hot tub or spa, regardless of use. The scope of work  
494 includes the installation, repair, or replacement of existing  
495 equipment, any cleaning or equipment sanitizing that requires at  
496 least a partial disassembling, excluding filter changes, and the  
497 installation of new pool/spa equipment, interior finishes, the  
498 installation of package pool heaters, the installation of all  
499 perimeter piping and filter piping, and the construction of  
500 equipment rooms or housing for pool/spa equipment, and also  
501 includes the scope of work of a swimming pool/spa servicing  
502 contractor. The scope of such work does not include direct  
503 connections to a sanitary sewer system or to potable water  
504 lines. The installation, construction, modification, or  
505 replacement of equipment permanently attached to and associated



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506 with the pool or spa for the purpose of water treatment or  
507 cleaning of the pool or spa requires licensure; however, the  
508 usage of such equipment for the purposes of water treatment or  
509 cleaning does not require licensure unless the usage involves  
510 construction, modification, or replacement of such equipment.  
511 Water treatment that does not require such equipment does not  
512 require a license. In addition, a license is not required for  
513 the cleaning of the pool or spa in a way that does not affect  
514 the structural integrity of the pool or spa or its associated  
515 equipment.

516 (1) "Swimming pool/spa servicing contractor" means a  
517 contractor whose scope of work involves, but is not limited to,  
518 the repair and servicing of a swimming pool, or hot tub or spa,  
519 whether public or private, or otherwise, regardless of use. The  
520 scope of work includes the repair or replacement of existing  
521 equipment, any cleaning or equipment sanitizing that requires at  
522 least a partial disassembling, excluding filter changes, and the  
523 installation of new pool/spa equipment, interior refinishing,  
524 the reinstallation or addition of pool heaters, the repair or  
525 replacement of all perimeter piping and filter piping, the  
526 repair of equipment rooms or housing for pool/spa equipment, and  
527 the substantial or complete draining of a swimming pool, or hot  
528 tub or spa, for the purpose of repair or renovation. The scope  
529 of such work does not include direct connections to a sanitary  
530 sewer system or to potable water lines. The installation,  
531 construction, modification, substantial or complete disassembly,  
532 or replacement of equipment permanently attached to and  
533 associated with the pool or spa for the purpose of water  
534 treatment or cleaning of the pool or spa requires licensure;



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535 however, the usage of such equipment for the purposes of water  
536 treatment or cleaning does not require licensure unless the  
537 usage involves construction, modification, substantial or  
538 complete disassembly, or replacement of such equipment. Water  
539 treatment that does not require such equipment does not require  
540 a license. In addition, a license is not required for the  
541 cleaning of the pool or spa in a way that does not affect the  
542 structural integrity of the pool or spa or its associated  
543 equipment.

544 (m) "Plumbing contractor" means a contractor whose  
545 contracting business consists of the execution of contracts  
546 requiring the experience, financial means, knowledge, and skill  
547 to install, maintain, repair, alter, extend, or, if not  
548 prohibited by law, design plumbing. A plumbing contractor may  
549 install, maintain, repair, alter, extend, or, if not prohibited  
550 by law, design the following without obtaining an additional  
551 local regulatory license, certificate, or registration: sanitary  
552 drainage or storm drainage facilities; venting systems; public  
553 or private water supply systems; septic tanks; drainage and  
554 supply wells; swimming pool piping; irrigation systems; or solar  
555 heating water systems and all appurtenances, apparatus, or  
556 equipment used in connection therewith, including boilers and  
557 pressure process piping and including the installation of water,  
558 natural gas, liquefied petroleum gas and related venting, and  
559 storm and sanitary sewer lines; and water and sewer plants and  
560 substations. The scope of work of the plumbing contractor also  
561 includes the design, if not prohibited by law, and installation,  
562 maintenance, repair, alteration, or extension of air-piping,  
563 vacuum line piping, oxygen line piping, nitrous oxide piping,



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564 and all related medical gas systems; fire line standpipes and  
565 fire sprinklers if authorized by law; ink and chemical lines;  
566 fuel oil and gasoline piping and tank and pump installation,  
567 except bulk storage plants; and pneumatic control piping  
568 systems, all in a manner that complies with all plans,  
569 specifications, codes, laws, and regulations applicable. The  
570 scope of work of the plumbing contractor applies to private  
571 property and public property, including any excavation work  
572 incidental thereto, and includes the work of the specialty  
573 plumbing contractor. Such contractor shall subcontract, with a  
574 qualified contractor in the field concerned, all other work  
575 incidental to the work but which is specified as being the work  
576 of a trade other than that of a plumbing contractor. This  
577 definition does not limit the scope of work of any specialty  
578 contractor certified pursuant to s. 489.113(6), and does not  
579 require certification or registration under this part of any  
580 authorized employee of a public natural gas utility or of a  
581 private natural gas utility regulated by the Public Service  
582 Commission when disconnecting and reconnecting water lines in  
583 the servicing or replacement of an existing water heater.

584 (n) "Underground utility and excavation contractor" means a  
585 contractor whose services are limited to the construction,  
586 installation, and repair, on public or private property, whether  
587 accomplished through open excavations or through other means,  
588 including, but not limited to, directional drilling, auger  
589 boring, jacking and boring, trenchless technologies, wet and dry  
590 taps, grouting, and slip lining, of main sanitary sewer  
591 collection systems, main water distribution systems, storm sewer  
592 collection systems, and the continuation of utility lines from



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593 the main systems to a point of termination up to and including  
594 the meter location for the individual occupancy, sewer  
595 collection systems at property line on residential or single-  
596 occupancy commercial properties, or on multioccupancy properties  
597 at manhole or wye lateral extended to an invert elevation as  
598 engineered to accommodate future building sewers, water  
599 distribution systems, or storm sewer collection systems at storm  
600 sewer structures. However, an underground utility and excavation  
601 contractor may install empty underground conduits in rights-of-  
602 way, easements, platted rights-of-way in new site development,  
603 and sleeves for parking lot crossings no smaller than 2 inches  
604 in diameter if each conduit system installed is designed by a  
605 licensed professional engineer or an authorized employee of a  
606 municipality, county, or public utility and the installation of  
607 such conduit does not include installation of any conductor  
608 wiring or connection to an energized electrical system. An  
609 underground utility and excavation contractor may not install  
610 piping that is an integral part of a fire protection system as  
611 defined in s. 633.021 beginning at the point where the piping is  
612 used exclusively for such system.

613 (o) "Solar contractor" means a contractor whose services  
614 consist of the installation, alteration, repair, maintenance,  
615 relocation, or replacement of solar panels for potable solar  
616 water heating systems, swimming pool solar heating systems, and  
617 photovoltaic systems and any appurtenances, apparatus, or  
618 equipment used in connection therewith, whether public, private,  
619 or otherwise, regardless of use. A contractor, certified or  
620 registered pursuant to this chapter, is not required to become a  
621 certified or registered solar contractor or to contract with a



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622 solar contractor in order to provide services enumerated in this  
623 paragraph that are within the scope of the services such  
624 contractors may render under this part.

625 (p) "Pollutant storage systems contractor" means a  
626 contractor whose services are limited to, and who has the  
627 experience, knowledge, and skill to install, maintain, repair,  
628 alter, extend, or design, if not prohibited by law, and use  
629 materials and items used in the installation, maintenance,  
630 extension, and alteration of, pollutant storage tanks. Any  
631 person installing a pollutant storage tank shall perform such  
632 installation in accordance with the standards adopted pursuant  
633 to s. 376.303.

634 (q) "Glass and glazing contractor" means a contractor whose  
635 services are unlimited in the execution of contracts requiring  
636 the experience, knowledge, and skill to install, attach,  
637 maintain, repair, fabricate, alter, extend, or design, in  
638 residential and commercial applications without any height  
639 restrictions, all types of windows, glass, and mirrors, whether  
640 fixed or movable; swinging or sliding glass doors attached to  
641 existing walls, floors, columns, or other structural members of  
642 the building; glass holding or supporting mullions or horizontal  
643 bars; structurally anchored impact-resistant opening protection  
644 attached to existing building walls, floors, columns, or other  
645 structural members of the building; prefabricated glass, metal,  
646 or plastic curtain walls; storefront frames or panels; shower  
647 and tub enclosures; metal fascias; and caulking incidental to  
648 such work and assembly.

649 (r) "Specialty contractor" means a contractor whose scope  
650 of work and responsibility is limited to a particular phase of



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651 construction established in a category adopted by board rule and  
652 whose scope is limited to a subset of the activities described  
653 in one of the paragraphs of this subsection.

654 (6) "Contracting" means, except as exempted in this part,  
655 engaging in business as a contractor and includes, but is not  
656 limited to, performance of any of the acts as set forth in  
657 subsection (3) which define types of contractors. The attempted  
658 sale of contracting services and the negotiation or bid for a  
659 contract on these services also constitutes contracting. If the  
660 services offered require licensure or agent qualification, the  
661 offering, negotiation for a bid, or attempted sale of these  
662 services requires the corresponding licensure. However, the term  
663 "contracting" shall not extend to an individual, partnership,  
664 corporation, trust, or other legal entity that offers to sell or  
665 sells completed residences on property on which the individual  
666 or business entity has any legal or equitable interest, or to  
667 the individual or business entity that offers to sell or sells  
668 manufactured or factory-built buildings that will be completed  
669 on site on property on which either party to a contract has any  
670 legal or equitable interest, if the services of a qualified  
671 contractor certified or registered pursuant to the requirements  
672 of this chapter have been or will be retained for the purpose of  
673 constructing or completing such residences.

674 Section 6. The amendments to s. 489.105(6), Florida  
675 Statutes, as enacted by s. 30 of chapter 2008-240, Laws of  
676 Florida, were intended to protect the sanctity of contracts for  
677 the sale of manufactured or factory-built buildings that will be  
678 completed on site and to ensure that those contracts are legal  
679 and enforceable contracts under state law. The amendments were





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680 intended to be remedial in nature, clarify existing law, and  
681 apply retroactively to any contract for the sale of manufactured  
682 or factory-built buildings that will be completed on site and  
683 otherwise comply with state law.

684 Section 7. Paragraph (c) of subsection (5) of section  
685 489.127, Florida Statutes, is amended to read:

686 489.127 Prohibitions; penalties.-

687 (5) Each county or municipality may, at its option,  
688 designate one or more of its code enforcement officers, as  
689 defined in chapter 162, to enforce, as set out in this  
690 subsection, the provisions of subsection (1) and s. 489.132(1)  
691 against persons who engage in activity for which a county or  
692 municipal certificate of competency or license or state  
693 certification or registration is required.

694 (c) The local governing body of the county or municipality  
695 is authorized to enforce codes and ordinances against unlicensed  
696 contractors under the provisions of this subsection and may  
697 enact an ordinance establishing procedures for implementing this  
698 subsection, including a schedule of penalties to be assessed by  
699 the code enforcement officer. The maximum civil penalty which  
700 may be levied shall not exceed \$2,000 ~~\$500~~. Moneys collected  
701 pursuant to this subsection shall be retained locally, as  
702 provided for by local ordinance, and may be set aside in a  
703 specific fund to support future enforcement activities against  
704 unlicensed contractors.

705 Section 8. Paragraph (c) of subsection (4) of section  
706 489.531, Florida Statutes, is amended to read:

707 489.531 Prohibitions; penalties.-

708 (4) Each county or municipality may, at its option,



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709 designate one or more of its code enforcement officers, as  
710 defined in chapter 162, to enforce, as set out in this  
711 subsection, the provisions of subsection (1) against persons who  
712 engage in activity for which county or municipal certification  
713 is required.

714 (c) The local governing body of the county or municipality  
715 is authorized to enforce codes and ordinances against unlicensed  
716 contractors under the provisions of this section and may enact  
717 an ordinance establishing procedures for implementing this  
718 section, including a schedule of penalties to be assessed by the  
719 code enforcement officers. The maximum civil penalty which may  
720 be levied shall not exceed \$2,000 ~~\$500~~. Moneys collected  
721 pursuant to this section shall be retained locally as provided  
722 for by local ordinance and may be set aside in a specific fund  
723 to support future enforcement activities against unlicensed  
724 contractors.

725 Section 9. Section 553.721, Florida Statutes, is amended to  
726 read:

727 553.721 Surcharge.—In order for the Department of Business  
728 and Professional Regulation to administer and carry out the  
729 purposes of this part and related activities, there is ~~hereby~~  
730 created a surcharge, to be assessed at the rate of 1.5 percent  
731 of the permit fees associated with enforcement of the Florida  
732 Building Code as defined by the uniform account criteria and  
733 specifically the uniform account code for building permits  
734 adopted for local government financial reporting pursuant to s.  
735 218.32. The minimum amount collected on any permit issued shall  
736 be \$2. The unit of government responsible for collecting a  
737 permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect



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738 ~~the such~~ surcharge and electronically remit the funds collected  
739 to the department on a quarterly calendar basis ~~beginning not~~  
740 ~~later than December 31, 2010,~~ for the preceding quarter, and  
741 continuing each third month thereafter. ~~The, and such~~ unit of  
742 government shall retain 10 percent of the surcharge collected to  
743 fund the participation of building departments in the national  
744 and state building code adoption processes and to provide  
745 education related to enforcement of the Florida Building Code.  
746 All funds remitted to the department pursuant to this section  
747 shall be deposited in the Professional Regulation Trust Fund.  
748 Funds collected from ~~the such~~ surcharge shall be allocated to  
749 fund used exclusively for the duties of the Florida Building  
750 Commission and the Florida Building Code Compliance and  
751 Mitigation Program under s. 553.841. Funds allocated to the  
752 Florida Building Code Compliance and Mitigation Program shall be  
753 \$925,000 each fiscal year. The funds collected from the  
754 surcharge may ~~and the Department of Business and Professional~~  
755 ~~Regulation under this chapter and shall~~ not be used to fund  
756 research on techniques for mitigation of radon in existing  
757 buildings. Funds used by the department as well as funds to be  
758 transferred to the Department of Health shall be as prescribed  
759 in the annual General Appropriations Act. The department shall  
760 adopt rules governing the collection and remittance of  
761 surcharges pursuant to ~~in accordance with~~ chapter 120.

762 Section 10. Subsection (10) of section 553.73, Florida  
763 Statutes, is amended, and subsection (18) is added to that  
764 section, to read:

765 553.73 Florida Building Code.—

766 (10) The following buildings, structures, and facilities



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767 are exempt from the Florida Building Code as provided by law,  
768 and any further exemptions shall be as determined by the  
769 Legislature and provided by law:

770 (a) Buildings and structures specifically regulated and  
771 preempted by the Federal Government.

772 (b) Railroads and ancillary facilities associated with the  
773 railroad.

774 (c) Nonresidential farm buildings on farms.

775 (d) Temporary buildings or sheds used exclusively for  
776 construction purposes.

777 (e) Mobile or modular structures used as temporary offices,  
778 except that the provisions of part II relating to accessibility  
779 by persons with disabilities ~~shall~~ apply to such mobile or  
780 modular structures.

781 (f) Those structures or facilities of electric utilities,  
782 as defined in s. 366.02, which are directly involved in the  
783 generation, transmission, or distribution of electricity.

784 (g) Temporary sets, assemblies, or structures used in  
785 commercial motion picture or television production, or any  
786 sound-recording equipment used in such production, on or off the  
787 premises.

788 (h) Storage sheds that are not designed for human  
789 habitation and that have a floor area of 720 square feet or less  
790 are not required to comply with the mandatory wind-borne-debris-  
791 impact standards of the Florida Building Code. In addition, such  
792 buildings that are 400 square feet or less and that are intended  
793 for use in conjunction with one- and two-family residences are  
794 not subject to the door height and width requirements of the  
795 Florida Building Code.



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796 (i) Chickees constructed by the Miccosukee Tribe of Indians  
797 of Florida or the Seminole Tribe of Florida. As used in this  
798 paragraph, the term "chickee" means an open-sided wooden hut  
799 that has a thatched roof of palm or palmetto or other  
800 traditional materials, and that does not incorporate any  
801 electrical, plumbing, or other nonwood features.

802 (j) Family mausoleums not exceeding 250 square feet in area  
803 which are prefabricated and assembled on site or preassembled  
804 and delivered on site and have walls, roofs, and a floor  
805 constructed of granite, marble, or reinforced concrete.

806 (k) A building or structure having less than 1,000 square  
807 feet which is constructed and owned by a natural person for  
808 hunting and which is repaired or reconstructed to the same  
809 dimension and condition as existed on January 1, 2011, if the  
810 building or structure:

811 1. Is not rented or leased or used as a principal  
812 residence;

813 2. Is not located within the 100-year floodplain according  
814 to the Federal Emergency Management Agency's current Flood  
815 Insurance Rate Map; and

816 3. Is not connected to an off-site electric power or water  
817 supply.

818  
819 With the exception of paragraphs (a), (b), (c), and (f), in  
820 order to preserve the health, safety, and welfare of the public,  
821 the Florida Building Commission may, by rule adopted pursuant to  
822 chapter 120, provide for exceptions to the broad categories of  
823 buildings exempted in this section, including exceptions for  
824 application of specific sections of the code or standards



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825 adopted therein. The Department of Agriculture and Consumer  
826 Services shall have exclusive authority to adopt by rule,  
827 pursuant to chapter 120, exceptions to nonresidential farm  
828 buildings exempted in paragraph (c) when reasonably necessary to  
829 preserve public health, safety, and welfare. The exceptions must  
830 be based upon specific criteria, such as under-roof floor area,  
831 aggregate electrical service capacity, HVAC system capacity, or  
832 other building requirements. Further, the commission may  
833 recommend to the Legislature additional categories of buildings,  
834 structures, or facilities which should be exempted from the  
835 Florida Building Code, to be provided by law. The Florida  
836 Building Code does not apply to temporary housing provided by  
837 the Department of Corrections to any prisoner in the state  
838 correctional system.

839 (18) The Florida Building Commission shall adopt by rule a  
840 method of alternative screen enclosure design that requires the  
841 removal of a section of the screen in order to accommodate wind  
842 resistance and keep the screen enclosure intact. The rules for  
843 an alternative screen enclosure design must require that the  
844 contractor provide notice to the homeowner and local building  
845 department that the homeowner must cut, retract, or remove a  
846 panel of the screen from the enclosure in accordance with  
847 engineering instructions when wind speeds are expected to exceed  
848 75 miles per hour and that the contractor will provide a  
849 replacement screen at the initial point of sale to repair the  
850 screen enclosure for designs that require cutting. The Florida  
851 Building Commission shall adopt the method before October 1,  
852 2012, and incorporate the requirements into the next version of  
853 the Florida Building Code. This subsection expires upon adoption



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854 and implementation of the requirements of this subsection into  
855 the Florida Building Code.

856 Section 11. This act shall take effect July 1, 2012.

857

858 ===== T I T L E A M E N D M E N T =====

859 And the title is amended as follows:

860 Delete everything before the enacting clause  
861 and insert:

862 A bill to be entitled  
863 An act relating to building construction and  
864 inspection; amending s. 162.12, F.S.; revising the  
865 authorized methods of sending notices to violators of  
866 local codes; amending s. 381.0065, F.S.; revising the  
867 definition of the term "bedroom" for purposes of  
868 requirements governing onsite sewage treatment and  
869 disposal systems; conforming cross-references;  
870 providing that a permit for the installation,  
871 modification, or repair of an onsite sewage treatment  
872 and disposal system approved by the Department of  
873 Health transfers along with the title to the property  
874 in a real estate transaction; prohibiting the  
875 transferred title from being encumbered by new permit  
876 requirements; providing criteria for an abandoned  
877 onsite sewage treatment and disposal system; providing  
878 guidelines for the reconnection of an abandoned  
879 system; providing for the applicability of rules to  
880 the construction of an onsite sewage treatment and  
881 disposal system; providing certain exemptions for a  
882 remodeled single-family home; amending s. 468.604,



883 F.S.; authorizing a building code administrator or  
884 building official to approve the electronic filing of  
885 building plans and related documents; amending s.  
886 468.609, F.S.; revising the criteria for eligibility  
887 requirements of a building code inspector or plans  
888 examiner; revising criteria for the issuance of  
889 provisional certificates; amending s. 489.105, F.S.;  
890 revising the definition of the term "demolish" for  
891 purposes of describing the scope of work of a  
892 contractor to include all buildings or residences,  
893 rather than buildings or residences of certain  
894 heights; reenacting s. 489.105(6), F.S., relating to  
895 the definition of the term "contracting"; clarifying  
896 the intent of the Legislature in the adoption of  
897 certain amendments to s. 489.105(6), F.S., and  
898 specifying that the amendments were intended to be  
899 remedial in nature, clarify existing law, and apply  
900 retroactively to any contract for the sale of  
901 manufactured or factory-built buildings that will be  
902 completed on site and otherwise comply with the  
903 requirements under state law; amending ss. 489.127 and  
904 489.531, F.S.; increasing the maximum civil penalties  
905 that may be assessed against unlicensed contractors;  
906 amending s. 553.721, F.S.; allocating a portion of the  
907 funds derived from a surcharge on permit fees to the  
908 Florida Building Code Compliance and Mitigation  
909 Program; making technical and grammatical changes;  
910 amending s. 553.73, F.S.; exempting certain buildings  
911 or structures used for hunting from the Florida





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912 Building Code; requiring the Florida Building  
913 Commission to adopt by rule a method of alternative  
914 screen enclosure design to accommodate wind resistance  
915 and to keep the screen enclosure intact; requiring the  
916 contractor to provide certain notice to the homeowner  
917 and the local building department; requiring the rules  
918 to be incorporated into the Florida Building Code;  
919 providing for expiration of the requirement upon  
920 incorporation into the Florida Building Code;  
921 providing an effective date.