



538762

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on General Government Appropriations (Jones) 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~~



538762

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 to the registered agent of the corporation. If any notice
18 sent by certified mail is not signed as received within 30 days
19 after the date of mailing by such owner and is returned as
20 ~~unclaimed or refused~~, notice may be provided by posting as
21 described in subparagraphs (2) (b) 1. and 2. ~~and by first class~~
22 ~~mail directed to the addresses furnished to the local government~~
23 ~~with a properly executed proof of mailing or affidavit~~
24 ~~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



538762

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, paragraph (n) of subsection (4) is
45 amended, and paragraphs (w) through (z) are added to that
46 subsection, to read:

47 381.0065 Onsite sewage treatment and disposal systems;
48 regulation.-

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

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

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

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

58 c. Is located along an exterior wall;

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

61 e. Has an emergency means of escape and rescue opening to
62 the outside in accordance with the Florida Building Code.

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

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

69 (4) PERMITS; INSTALLATION; AND CONDITIONS.-A person may not
70 construct, repair, modify, abandon, or operate an onsite sewage



538762

71 treatment and disposal system without first obtaining a permit
72 approved by the department. The department may issue permits to
73 carry out this section, but shall not make the issuance of such
74 permits contingent upon prior approval by the Department of
75 Environmental Protection, except that the issuance of a permit
76 for work seaward of the coastal construction control line
77 established under s. 161.053 shall be contingent upon receipt of
78 any required coastal construction control line permit from the
79 Department of Environmental Protection. A construction permit is
80 valid for 18 months from the issuance date and may be extended
81 by the department for one 90-day period under rules adopted by
82 the department. A repair permit is valid for 90 days from the
83 date of issuance. An operating permit must be obtained prior to
84 the use of any aerobic treatment unit or if the establishment
85 generates commercial waste. Buildings or establishments that use
86 an aerobic treatment unit or generate commercial waste shall be
87 inspected by the department at least annually to assure
88 compliance with the terms of the operating permit. The operating
89 permit for a commercial wastewater system is valid for 1 year
90 from the date of issuance and must be renewed annually. The
91 operating permit for an aerobic treatment unit is valid for 2
92 years from the date of issuance and must be renewed every 2
93 years. If all information pertaining to the siting, location,
94 and installation conditions or repair of an onsite sewage
95 treatment and disposal system remains the same, a construction
96 or repair permit for the onsite sewage treatment and disposal
97 system may be transferred to another person, if the transferee
98 files, within 60 days after the transfer of ownership, an
99 amended application providing all corrected information and



538762

100 proof of ownership of the property. There is no fee associated
101 with the processing of this supplemental information. A person
102 may not contract to construct, modify, alter, repair, service,
103 abandon, or maintain any portion of an onsite sewage treatment
104 and disposal system without being registered under part III of
105 chapter 489. A property owner who personally performs
106 construction, maintenance, or repairs to a system serving his or
107 her own owner-occupied single-family residence is exempt from
108 registration requirements for performing such construction,
109 maintenance, or repairs on that residence, but is subject to all
110 permitting requirements. A municipality or political subdivision
111 of the state may not issue a building or plumbing permit for any
112 building that requires the use of an onsite sewage treatment and
113 disposal system unless the owner or builder has received a
114 construction permit for such system from the department. A
115 building or structure may not be occupied and a municipality,
116 political subdivision, or any state or federal agency may not
117 authorize occupancy until the department approves the final
118 installation of the onsite sewage treatment and disposal system.
119 A municipality or political subdivision of the state may not
120 approve any change in occupancy or tenancy of a building that
121 uses an onsite sewage treatment and disposal system until the
122 department has reviewed the use of the system with the proposed
123 change, approved the change, and amended the operating permit.

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



538762

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

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

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

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



538762

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

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

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

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

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

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

180 468.604 Responsibilities of building code administrators,
181 plans examiners, and inspectors.-

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



538762

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

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

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

207 (2) It is the responsibility of the building code inspector
208 to conduct inspections of construction, alteration, repair,
209 remodeling, or demolition of structures and the installation of
210 building systems, when permitting is required, to ensure
211 compliance with the Florida Building Code and any applicable
212 local technical amendment to the Florida Building Code. Each
213 building code inspector must be licensed in the appropriate
214 category as defined in s. 468.603. The building code inspector's
215 responsibilities must be performed under the direction of the



538762

216 building code administrator or building official without
217 interference from any unlicensed person.

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

229 (4) The Legislature finds that the electronic filing of
230 construction plans will increase government efficiency, reduce
231 costs, and increase timeliness of processing permits. If the
232 building code administrator or building official provides for
233 electronic filing, the construction plans, drawings,
234 specifications, reports, final documents, or documents prepared
235 or issued by a licensee may be dated and electronically signed
236 and sealed by the licensee in accordance with part I of chapter
237 668 and may be transmitted electronically to the building code
238 administrator or building official for approval.

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

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

244 (2) A person may take the examination for certification as



538762

245 a building code inspector or plans examiner pursuant to this
246 part if the person:

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

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

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

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

262 4. Currently holds a standard certificate as issued by the
263 board, or a fire safety inspector license issued pursuant to
264 chapter 633, has a minimum of 5 years' verifiable full-time
265 experience in inspection or plan review, and satisfactorily
266 completes a building code inspector or plans examiner training
267 program of not less than 200 hours in the certification category
268 sought. The board shall establish by rule criteria for the
269 development and implementation of the training programs; or

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



538762

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

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

297 Section 5. Paragraph (d) of subsection (1) of section
298 468.841, Florida Statutes, is amended to read:

299 468.841 Exemptions.—

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

302 (d) Persons or business organizations acting within the



538762

303 scope of the respective licenses required under part XV of this
304 chapter, chapter 471, part I or part II of chapter 481, chapter
305 482, or chapter 489 are acting on behalf of an insurer under
306 part VI of chapter 626, or are persons in the manufactured
307 housing industry who are licensed under chapter 320, except when
308 any such persons or business organizations hold themselves out
309 for hire to the public as a "certified mold assessor,"
310 "registered mold assessor," "licensed mold assessor," "mold
311 assessor," "professional mold assessor," or any combination
312 thereof stating or implying licensure under this part.

313 Section 6. Subsection (7) of section 489.103, Florida
314 Statutes, is amended to read:

315 489.103 Exemptions.—This part does not apply to:

316 (7) (a) Owners of property when acting as their own
317 contractor and providing direct, onsite supervision themselves
318 of all work not performed by licensed contractors:

319 1. ~~(a)~~ When building or improving farm outbuildings or one-
320 family or two-family residences on such property for the
321 occupancy or use of such owners and not offered for sale or
322 lease, or building or improving commercial buildings, at a cost
323 not to exceed \$75,000, on such property for the occupancy or use
324 of such owners and not offered for sale or lease. In an action
325 brought under this part, proof of the sale or lease, or offering
326 for sale or lease, of any such structure by the owner-builder
327 within 1 year after completion of same creates a presumption
328 that the construction was undertaken for purposes of sale or
329 lease.

330 2. ~~(b)~~ When repairing or replacing wood shakes or asphalt or
331 fiberglass shingles on one-family, two-family, or three-family



538762

332 residences for the occupancy or use of such owner or tenant of
333 the owner and not offered for sale within 1 year after
334 completion of the work and when the property has been damaged by
335 natural causes from an event recognized as an emergency
336 situation designated by executive order issued by the Governor
337 declaring the existence of a state of emergency as a result and
338 consequence of a serious threat posed to the public health,
339 safety, and property in this state.

340 3. After the local building official approves
341 implementation of the United States Department of Energy Solar
342 SunShot Initiative, when installing, uninstalling, or replacing
343 solar panels on one-family, two-family, or three-family
344 residences for the occupancy or use of such owner or tenant of
345 the owner.

346 (b) This subsection does not exempt any person who is
347 employed by or has a contract with such owner and who acts in
348 the capacity of a contractor. The owner may not delegate the
349 owner's responsibility to directly supervise all work to any
350 other person unless that person is registered or certified under
351 this part and the work being performed is within the scope of
352 that person's license. For the purposes of this subsection, the
353 term "owners of property" includes the owner of a mobile home
354 situated on a leased lot.

355 (c) To qualify for exemption under this subsection, an
356 owner must personally appear and sign the building permit
357 application and must satisfy local permitting agency
358 requirements, if any, proving that the owner has a complete
359 understanding of the owner's obligations under the law as
360 specified in the disclosure statement in this section. An



538762

361 owner's notarized signature or personal appearance to sign the
362 permit application is not required for a solar project, as
363 described in subparagraph (a)3., if the building permit
364 application is submitted electronically to the permitting
365 authority and the owner certifies the application and disclosure
366 statement using the permitting authority's electronic
367 confirmation system. If any person violates the requirements of
368 this subsection, the local permitting agency shall withhold
369 final approval, revoke the permit, or pursue any action or
370 remedy for unlicensed activity against the owner and any person
371 performing work that requires licensure under the permit issued.
372 The local permitting agency shall provide the person with a
373 disclosure statement in substantially the following form:

374
375 DISCLOSURE STATEMENT
376

377 1. I understand that state law requires construction
378 to be done by a licensed contractor and have applied
379 for an owner-builder permit under an exemption from
380 the law. The exemption specifies that I, as the owner
381 of the property listed, may act as my own contractor
382 with certain restrictions even though I do not have a
383 license.

384
385 2. I understand that building permits are not required
386 to be signed by a property owner unless he or she is
387 responsible for the construction and is not hiring a
388 licensed contractor to assume responsibility.
389



538762

390 3. I understand that, as an owner-builder, I am the
391 responsible party of record on a permit. I understand
392 that I may protect myself from potential financial
393 risk by hiring a licensed contractor and having the
394 permit filed in his or her name instead of my own
395 name. I also understand that a contractor is required
396 by law to be licensed in Florida and to list his or
397 her license numbers on permits and contracts.

398
399 4. I understand that I may build or improve a one-
400 family or two-family residence or a farm outbuilding.
401 I may also build or improve a commercial building if
402 the costs do not exceed \$75,000. The building or
403 residence must be for my own use or occupancy. It may
404 not be built or substantially improved for sale or
405 lease. If a building or residence that I have built or
406 substantially improved myself is sold or leased within
407 1 year after the construction is complete, the law
408 will presume that I built or substantially improved it
409 for sale or lease, which violates the exemption.

410
411 5. I understand that, as the owner-builder, I must
412 provide direct, onsite supervision of the
413 construction.

414
415 6. I understand that I may not hire an unlicensed
416 person to act as my contractor or to supervise persons
417 working on my building or residence. It is my
418 responsibility to ensure that the persons whom I



538762

419 employ have the licenses required by law and by county
420 or municipal ordinance.

421
422 7. I understand that it is a frequent practice of
423 unlicensed persons to have the property owner obtain
424 an owner-builder permit that erroneously implies that
425 the property owner is providing his or her own labor
426 and materials. I, as an owner-builder, may be held
427 liable and subjected to serious financial risk for any
428 injuries sustained by an unlicensed person or his or
429 her employees while working on my property. My
430 homeowner's insurance may not provide coverage for
431 those injuries. I am willfully acting as an owner-
432 builder and am aware of the limits of my insurance
433 coverage for injuries to workers on my property.

434
435 8. I understand that I may not delegate the
436 responsibility for supervising work to a licensed
437 contractor who is not licensed to perform the work
438 being done. Any person working on my building who is
439 not licensed must work under my direct supervision and
440 must be employed by me, which means that I must comply
441 with laws requiring the withholding of federal income
442 tax and social security contributions under the
443 Federal Insurance Contributions Act (FICA) and must
444 provide workers' compensation for the employee. I
445 understand that my failure to follow these laws may
446 subject me to serious financial risk.

447



538762

448 9. I agree that, as the party legally and financially
449 responsible for this proposed construction activity, I
450 will abide by all applicable laws and requirements
451 that govern owner-builders as well as employers. I
452 also understand that the construction must comply with
453 all applicable laws, ordinances, building codes, and
454 zoning regulations.

455
456 10. I understand that I may obtain more information
457 regarding my obligations as an employer from the
458 Internal Revenue Service, the United States Small
459 Business Administration, the Florida Department of
460 Financial Services, and the Florida Department of
461 Revenue. I also understand that I may contact the
462 Florida Construction Industry Licensing Board at
463 ...(telephone number)... or ...(Internet website
464 address)... for more information about licensed
465 contractors.

466
467 11. I am aware of, and consent to, an owner-builder
468 building permit applied for in my name and understand
469 that I am the party legally and financially
470 responsible for the proposed construction activity at
471 the following address: ...(address of property)....

472
473 12. I agree to notify ...(issuer of disclosure
474 statements)... immediately of any additions,
475 deletions, or changes to any of the information that I
476 have provided on this disclosure.



538762

477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505

Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board and Department of Business and Professional Regulation may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Before a building permit can be issued, this disclosure statement must be completed and signed by the property owner and returned to the local permitting agency responsible for issuing the permit. A copy of the property owner's driver license, the notarized signature of the property owner, or other type of verification acceptable to the local permitting agency is required when the permit is issued.

Signature: ...(signature of property owner)....



538762

506 Date: ...(date)....

507

508 (d) A building permit application and disclosure statement
509 electronically submitted by an owner to the authority for a
510 solar project, as described in subparagraph (a)3., must also
511 contain the following additional statement:

512

513 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty
514 of perjury, I declare that all the information
515 contained in this building permit application and the
516 representations made in the required disclosure
517 statement are true and correct.

518

519 (e) A permitting authority that accepts a building permit
520 application and disclosure statement in an electronic format
521 from an owner who is exempt pursuant to this subsection and who
522 applies for a permit relating to a solar project, as described
523 in subparagraph (a)3., is not liable in any civil action for
524 inaccurate information submitted by the owner using the
525 authority's electronic confirmation system.

526 Section 7. Subsection (3) of section 489.105, Florida
527 Statutes, is amended, and subsection (6) of that section is
528 reenacted, to read:

529 489.105 Definitions.—As used in this part:

530 (3) "Contractor" means the person who is qualified for, and
531 is only responsible for, the project contracted for and means,
532 except as exempted in this part, the person who, for
533 compensation, undertakes to, submits a bid to, or does himself
534 or herself or by others construct, repair, alter, remodel, add



538762

535 to, demolish, subtract from, or improve any building or
536 structure, including related improvements to real estate, for
537 others or for resale to others; and whose job scope is
538 substantially similar to the job scope described in one of the
539 ~~subsequent~~ paragraphs of this subsection. For the purposes of
540 regulation under this part, the term "demolish" applies only to
541 demolition of steel tanks more than ~~over~~ 50 feet in height;
542 towers more than ~~over~~ 50 feet in height; other structures more
543 than ~~over~~ 50 feet in height; ~~and all, other than~~ buildings or
544 residences ~~over three stories tall; and buildings or residences~~
545 ~~over three stories tall~~. Contractors are subdivided into two
546 divisions, Division I, consisting of those contractors defined
547 in paragraphs (a)-(c), and Division II, consisting of those
548 contractors defined in paragraphs (d)-(q) ~~(d)-(r)~~:

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

554 (b) "Building contractor" means a contractor whose services
555 are limited to construction of commercial buildings and single-
556 dwelling or multiple-dwelling residential buildings, which do
557 not exceed three stories in height, and accessory use structures
558 in connection therewith or a contractor whose services are
559 limited to remodeling, repair, or improvement of any size
560 building if the services do not affect the structural members of
561 the building.

562 (c) "Residential contractor" means a contractor whose
563 services are limited to construction, remodeling, repair, or



538762

564 improvement of one-family, two-family, or three-family
565 residences not exceeding two habitable stories above no more
566 than one uninhabitable story and accessory use structures in
567 connection therewith.

568 (d) "Sheet metal contractor" means a contractor whose
569 services are unlimited in the sheet metal trade and who has the
570 experience, knowledge, and skill necessary for the manufacture,
571 fabrication, assembling, handling, erection, installation,
572 dismantling, conditioning, adjustment, insulation, alteration,
573 repair, servicing, or design, if not prohibited by law, of
574 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
575 equivalent or lighter gauge and of other materials, including,
576 but not limited to, fiberglass, used in lieu thereof and of air-
577 handling systems, including the setting of air-handling
578 equipment and reinforcement of same, the balancing of air-
579 handling systems, and any duct cleaning and equipment sanitizing
580 that requires at least a partial disassembling of the system.

581 (e) "Roofing contractor" means a contractor whose services
582 are unlimited in the roofing trade and who has the experience,
583 knowledge, and skill to install, maintain, repair, alter,
584 extend, or design, if not prohibited by law, and use materials
585 and items used in the installation, maintenance, extension, and
586 alteration of all kinds of roofing, waterproofing, and coating,
587 except when coating is not represented to protect, repair,
588 waterproof, stop leaks, or extend the life of the roof. The
589 scope of work of a roofing contractor also includes required
590 roof-deck attachments and any repair or replacement of wood roof
591 sheathing or fascia as needed during roof repair or replacement.

592 (f) "Class A air-conditioning contractor" means a



593 contractor whose services are unlimited in the execution of
594 contracts requiring the experience, knowledge, and skill to
595 install, maintain, test, evaluate, repair, fabricate, alter,
596 extend, or design, if not prohibited by law, central air-
597 conditioning, refrigeration, heating, and ventilating systems,
598 including duct work in connection with a complete system if such
599 duct work is performed by the contractor as necessary to
600 complete an air-distribution system, boiler and unfired pressure
601 vessel systems, and all appurtenances, apparatus, or equipment
602 used in connection therewith, and any duct cleaning and
603 equipment sanitizing that requires at least a partial
604 disassembling of the system; to install, maintain, repair,
605 fabricate, alter, extend, or design, if not prohibited by law,
606 piping, insulation of pipes, vessels and ducts, pressure and
607 process piping, and pneumatic control piping; to replace,
608 disconnect, or reconnect power wiring on the load side of the
609 dedicated existing electrical disconnect switch; to install,
610 disconnect, and reconnect low voltage heating, ventilating, and
611 air-conditioning control wiring; and to install a condensate
612 drain from an air-conditioning unit to an existing safe waste or
613 other approved disposal other than a direct connection to a
614 sanitary system. The scope of work for such contractor also
615 includes any excavation work incidental thereto, but does not
616 include any work such as liquefied petroleum or natural gas fuel
617 lines within buildings, except for disconnecting or reconnecting
618 changeouts of liquefied petroleum or natural gas appliances
619 within buildings; potable water lines or connections thereto;
620 sanitary sewer lines; swimming pool piping and filters; or
621 electrical power wiring.



622 (g) "Class B air-conditioning contractor" means a
623 contractor whose services are limited to 25 tons of cooling and
624 500,000 Btu of heating in any one system in the execution of
625 contracts requiring the experience, knowledge, and skill to
626 install, maintain, test, evaluate, repair, fabricate, alter,
627 extend, or design, if not prohibited by law, central air-
628 conditioning, refrigeration, heating, and ventilating systems,
629 including duct work in connection with a complete system only to
630 the extent such duct work is performed by the contractor as
631 necessary to complete an air-distribution system being installed
632 under this classification, and any duct cleaning and equipment
633 sanitizing that requires at least a partial disassembling of the
634 system; to install, maintain, repair, fabricate, alter, extend,
635 or design, if not prohibited by law, piping and insulation of
636 pipes, vessels, and ducts; to replace, disconnect, or reconnect
637 power wiring on the load side of the dedicated existing
638 electrical disconnect switch; to install, disconnect, and
639 reconnect low voltage heating, ventilating, and air-conditioning
640 control wiring; and to install a condensate drain from an air-
641 conditioning unit to an existing safe waste or other approved
642 disposal other than a direct connection to a sanitary system.
643 The scope of work for such contractor also includes any
644 excavation work incidental thereto, but does not include any
645 work such as liquefied petroleum or natural gas fuel lines
646 within buildings, except for disconnecting or reconnecting
647 changeouts of liquefied petroleum or natural gas appliances
648 within buildings; potable water lines or connections thereto;
649 sanitary sewer lines; swimming pool piping and filters; or
650 electrical power wiring.



538762

651 (h) "Class C air-conditioning contractor" means a
652 contractor whose business is limited to the servicing of air-
653 conditioning, heating, or refrigeration systems, including any
654 duct cleaning and equipment sanitizing that requires at least a
655 partial disassembling of the system, and whose certification or
656 registration, issued pursuant to this part, was valid on October
657 1, 1988. Only a person who was registered or certified as a
658 Class C air-conditioning contractor as of October 1, 1988, shall
659 be so registered or certified after October 1, 1988. However,
660 the board shall continue to license and regulate those Class C
661 air-conditioning contractors who held Class C licenses before
662 October 1, 1988.

663 (i) "Mechanical contractor" means a contractor whose
664 services are unlimited in the execution of contracts requiring
665 the experience, knowledge, and skill to install, maintain, test,
666 evaluate, repair, fabricate, alter, extend, or design, if not
667 prohibited by law, central air-conditioning, refrigeration,
668 heating, and ventilating systems, including duct work in
669 connection with a complete system if such duct work is performed
670 by the contractor as necessary to complete an air-distribution
671 system, boiler and unfired pressure vessel systems, lift station
672 equipment and piping, and all appurtenances, apparatus, or
673 equipment used in connection therewith, and any duct cleaning
674 and equipment sanitizing that requires at least a partial
675 disassembling of the system; to install, maintain, repair,
676 fabricate, alter, extend, or design, if not prohibited by law,
677 piping, insulation of pipes, vessels and ducts, pressure and
678 process piping, pneumatic control piping, gasoline tanks and
679 pump installations and piping for same, standpipes, air piping,



538762

680 vacuum line piping, oxygen lines, nitrous oxide piping, ink and
681 chemical lines, fuel transmission lines, liquefied petroleum gas
682 lines within buildings, and natural gas fuel lines within
683 buildings; to replace, disconnect, or reconnect power wiring on
684 the load side of the dedicated existing electrical disconnect
685 switch; to install, disconnect, and reconnect low voltage
686 heating, ventilating, and air-conditioning control wiring; and
687 to install a condensate drain from an air-conditioning unit to
688 an existing safe waste or other approved disposal other than a
689 direct connection to a sanitary system. The scope of work for
690 such contractor also includes any excavation work incidental
691 thereto, but does not include any work such as potable water
692 lines or connections thereto, sanitary sewer lines, swimming
693 pool piping and filters, or electrical power wiring.

694 (j) "Commercial pool/spa contractor" means a contractor
695 whose scope of work involves, but is not limited to, the
696 construction, repair, and servicing of any swimming pool, or hot
697 tub or spa, whether public, private, or otherwise, regardless of
698 use. The scope of work includes the installation, repair, or
699 replacement of existing equipment, any cleaning or equipment
700 sanitizing that requires at least a partial disassembling,
701 excluding filter changes, and the installation of new pool/spa
702 equipment, interior finishes, the installation of package pool
703 heaters, the installation of all perimeter piping and filter
704 piping, and the construction of equipment rooms or housing for
705 pool/spa equipment, and also includes the scope of work of a
706 swimming pool/spa servicing contractor. The scope of such work
707 does not include direct connections to a sanitary sewer system
708 or to potable water lines. The installation, construction,



538762

709 modification, or replacement of equipment permanently attached
710 to and associated with the pool or spa for the purpose of water
711 treatment or cleaning of the pool or spa requires licensure;
712 however, the usage of such equipment for the purposes of water
713 treatment or cleaning does not require licensure unless the
714 usage involves construction, modification, or replacement of
715 such equipment. Water treatment that does not require such
716 equipment does not require a license. In addition, a license is
717 not required for the cleaning of the pool or spa in a way that
718 does not affect the structural integrity of the pool or spa or
719 its associated equipment.

720 (k) "Residential pool/spa contractor" means a contractor
721 whose scope of work involves, but is not limited to, the
722 construction, repair, and servicing of a residential swimming
723 pool, or hot tub or spa, regardless of use. The scope of work
724 includes the installation, repair, or replacement of existing
725 equipment, any cleaning or equipment sanitizing that requires at
726 least a partial disassembling, excluding filter changes, and the
727 installation of new pool/spa equipment, interior finishes, the
728 installation of package pool heaters, the installation of all
729 perimeter piping and filter piping, and the construction of
730 equipment rooms or housing for pool/spa equipment, and also
731 includes the scope of work of a swimming pool/spa servicing
732 contractor. The scope of such work does not include direct
733 connections to a sanitary sewer system or to potable water
734 lines. The installation, construction, modification, or
735 replacement of equipment permanently attached to and associated
736 with the pool or spa for the purpose of water treatment or
737 cleaning of the pool or spa requires licensure; however, the



538762

738 usage of such equipment for the purposes of water treatment or
739 cleaning does not require licensure unless the usage involves
740 construction, modification, or replacement of such equipment.
741 Water treatment that does not require such equipment does not
742 require a license. In addition, a license is not required for
743 the cleaning of the pool or spa in a way that does not affect
744 the structural integrity of the pool or spa or its associated
745 equipment.

746 (1) "Swimming pool/spa servicing contractor" means a
747 contractor whose scope of work involves, but is not limited to,
748 the repair and servicing of a swimming pool, or hot tub or spa,
749 whether public or private, or otherwise, regardless of use. The
750 scope of work includes the repair or replacement of existing
751 equipment, any cleaning or equipment sanitizing that requires at
752 least a partial disassembling, excluding filter changes, and the
753 installation of new pool/spa equipment, interior refinishing,
754 the reinstallation or addition of pool heaters, the repair or
755 replacement of all perimeter piping and filter piping, the
756 repair of equipment rooms or housing for pool/spa equipment, and
757 the substantial or complete draining of a swimming pool, or hot
758 tub or spa, for the purpose of repair or renovation. The scope
759 of such work does not include direct connections to a sanitary
760 sewer system or to potable water lines. The installation,
761 construction, modification, substantial or complete disassembly,
762 or replacement of equipment permanently attached to and
763 associated with the pool or spa for the purpose of water
764 treatment or cleaning of the pool or spa requires licensure;
765 however, the usage of such equipment for the purposes of water
766 treatment or cleaning does not require licensure unless the



538762

767 usage involves construction, modification, substantial or
768 complete disassembly, or replacement of such equipment. Water
769 treatment that does not require such equipment does not require
770 a license. In addition, a license is not required for the
771 cleaning of the pool or spa in a way that does not affect the
772 structural integrity of the pool or spa or its associated
773 equipment.

774 (m) "Plumbing contractor" means a contractor whose services
775 are unlimited in the plumbing trade and includes ~~contracting~~
776 ~~business consists of~~ the execution of contracts requiring the
777 experience, financial means, knowledge, and skill to install,
778 maintain, repair, alter, extend, or, if not prohibited by law,
779 design plumbing. A plumbing contractor may install, maintain,
780 repair, alter, extend, or, if not prohibited by law, design the
781 following without obtaining an additional local regulatory
782 license, certificate, or registration: sanitary drainage or
783 storm drainage facilities, water and sewer plants and
784 substations, ~~+~~ venting systems, water supply backflow
785 prevention, ~~+~~ public or private water supply systems, ~~+~~ septic
786 tanks, ~~+~~ drainage and supply wells, drain cleaning and clearing,
787 rainwater catchment systems, ~~+~~ swimming pool piping, ~~+~~ irrigation
788 systems, and, ~~+~~ ~~or~~ solar heating water systems, and all
789 appurtenances, apparatus, or equipment used in connection
790 therewith, including boilers and pressure process piping and
791 including the installation of water, natural gas, liquefied
792 petroleum gas and related venting, and storm and sanitary sewer
793 lines; ~~and water and sewer plants and substations.~~ The scope of
794 work of the plumbing contractor also includes the design, if not
795 prohibited by law, and installation, maintenance, repair,



538762

796 alteration, or extension of air-piping, vacuum line piping,
797 oxygen line piping, nitrous oxide piping, and all related
798 medical gas systems; fire line standpipes and fire sprinklers if
799 authorized by law; ink and chemical lines; fuel oil and gasoline
800 piping and tank and pump installation, except bulk storage
801 plants; and pneumatic control piping systems, all in a manner
802 that complies with all plans, specifications, codes, laws, and
803 regulations applicable. The scope of work of the plumbing
804 contractor applies to private property and public property,
805 including any excavation work incidental thereto, and includes
806 the work of the specialty plumbing contractor. Such contractor
807 shall subcontract, with a qualified contractor in the field
808 concerned, all other work incidental to the work but which is
809 specified as being the work of a trade other than that of a
810 plumbing contractor. This definition does not limit the scope of
811 work of any specialty contractor certified pursuant to s.
812 489.113(6), and does not require certification or registration
813 under this part of any authorized employee of a public natural
814 gas utility or of a private natural gas utility regulated by the
815 Public Service Commission when disconnecting and reconnecting
816 water lines in the servicing or replacement of an existing water
817 heater.

818 (n) "Underground utility and excavation contractor" means a
819 contractor whose services are limited to the construction,
820 installation, and repair, on public or private property, whether
821 accomplished through open excavations or through other means,
822 including, but not limited to, directional drilling, auger
823 boring, jacking and boring, trenchless technologies, wet and dry
824 taps, grouting, and slip lining, of main sanitary sewer



538762

825 collection systems, main water distribution systems, storm sewer
826 collection systems, and the continuation of utility lines from
827 the main systems to a point of termination up to and including
828 the meter location for the individual occupancy, sewer
829 collection systems at property line on residential or single-
830 occupancy commercial properties, or on multioccupancy properties
831 at manhole or wye lateral extended to an invert elevation as
832 engineered to accommodate future building sewers, water
833 distribution systems, or storm sewer collection systems at storm
834 sewer structures. However, an underground utility and excavation
835 contractor may install empty underground conduits in rights-of-
836 way, easements, platted rights-of-way in new site development,
837 and sleeves for parking lot crossings no smaller than 2 inches
838 in diameter if each conduit system installed is designed by a
839 licensed professional engineer or an authorized employee of a
840 municipality, county, or public utility and the installation of
841 such conduit does not include installation of any conductor
842 wiring or connection to an energized electrical system. An
843 underground utility and excavation contractor may not install
844 piping that is an integral part of a fire protection system as
845 defined in s. 633.021 beginning at the point where the piping is
846 used exclusively for such system.

847 (o) "Solar contractor" means a contractor whose services
848 consist of the installation, alteration, repair, maintenance,
849 relocation, or replacement of solar panels for potable solar
850 water heating systems, swimming pool solar heating systems, and
851 photovoltaic systems and any appurtenances, apparatus, or
852 equipment used in connection therewith, whether public, private,
853 or otherwise, regardless of use. A contractor, certified or



538762

854 registered pursuant to this chapter, is not required to become a
855 certified or registered solar contractor or to contract with a
856 solar contractor in order to provide services enumerated in this
857 paragraph that are within the scope of the services such
858 contractors may render under this part.

859 (p) "Pollutant storage systems contractor" means a
860 contractor whose services are limited to, and who has the
861 experience, knowledge, and skill to install, maintain, repair,
862 alter, extend, or design, if not prohibited by law, and use
863 materials and items used in the installation, maintenance,
864 extension, and alteration of, pollutant storage tanks. Any
865 person installing a pollutant storage tank shall perform such
866 installation in accordance with the standards adopted pursuant
867 to s. 376.303.

868 ~~(q) "Glass and glazing contractor" means a contractor whose~~
869 ~~services are unlimited in the execution of contracts requiring~~
870 ~~the experience, knowledge, and skill to install, attach,~~
871 ~~maintain, repair, fabricate, alter, extend, or design, in~~
872 ~~residential and commercial applications without any height~~
873 ~~restrictions, all types of windows, glass, and mirrors, whether~~
874 ~~fixed or movable; swinging or sliding glass doors attached to~~
875 ~~existing walls, floors, columns, or other structural members of~~
876 ~~the building; glass holding or supporting mullions or horizontal~~
877 ~~bars; structurally anchored impact-resistant opening protection~~
878 ~~attached to existing building walls, floors, columns, or other~~
879 ~~structural members of the building; prefabricated glass, metal,~~
880 ~~or plastic curtain walls; storefront frames or panels; shower~~
881 ~~and tub enclosures; metal fascias; and caulking incidental to~~
882 ~~such work and assembly.~~



538762

883 ~~(q)~~ "Specialty contractor" means a contractor whose
884 scope of work and responsibility is limited to a particular
885 phase of construction established in a category adopted by board
886 rule and whose scope is limited to a subset of the activities
887 described in one of the paragraphs of this subsection.

888 (6) "Contracting" means, except as exempted in this part,
889 engaging in business as a contractor and includes, but is not
890 limited to, performance of any of the acts as set forth in
891 subsection (3) which define types of contractors. The attempted
892 sale of contracting services and the negotiation or bid for a
893 contract on these services also constitutes contracting. If the
894 services offered require licensure or agent qualification, the
895 offering, negotiation for a bid, or attempted sale of these
896 services requires the corresponding licensure. However, the term
897 "contracting" shall not extend to an individual, partnership,
898 corporation, trust, or other legal entity that offers to sell or
899 sells completed residences on property on which the individual
900 or business entity has any legal or equitable interest, or to
901 the individual or business entity that offers to sell or sells
902 manufactured or factory-built buildings that will be completed
903 on site on property on which either party to a contract has any
904 legal or equitable interest, if the services of a qualified
905 contractor certified or registered pursuant to the requirements
906 of this chapter have been or will be retained for the purpose of
907 constructing or completing such residences.

908 Section 8. The amendments to s. 489.105(6), Florida
909 Statutes, as enacted by s. 30 of chapter 2008-240, Laws of
910 Florida, were intended to protect the sanctity of contracts for
911 the sale of manufactured or factory-built buildings that will be



538762

912 completed on site and to ensure that those contracts are legal
913 and enforceable contracts under state law. The amendments were
914 intended to be remedial in nature, clarify existing law, and
915 apply retroactively to any contract for the sale of manufactured
916 or factory-built buildings that will be completed on site and
917 otherwise comply with state law.

918 Section 9. Paragraph (c) of subsection (5) of section
919 489.127, Florida Statutes, is amended to read:

920 489.127 Prohibitions; penalties.—

921 (5) Each county or municipality may, at its option,
922 designate one or more of its code enforcement officers, as
923 defined in chapter 162, to enforce, as set out in this
924 subsection, the provisions of subsection (1) and s. 489.132(1)
925 against persons who engage in activity for which a county or
926 municipal certificate of competency or license or state
927 certification or registration is required.

928 (c) The local governing body of the county or municipality
929 is authorized to enforce codes and ordinances against unlicensed
930 contractors under the provisions of this subsection and may
931 enact an ordinance establishing procedures for implementing this
932 subsection, including a schedule of penalties to be assessed by
933 the code enforcement officer. The maximum civil penalty which
934 may be levied shall not exceed \$2,000 ~~\$500~~. Moneys collected
935 pursuant to this subsection shall be retained locally, as
936 provided for by local ordinance, and may be set aside in a
937 specific fund to support future enforcement activities against
938 unlicensed contractors.

939 Section 10. Paragraph (c) of subsection (4) of section
940 489.531, Florida Statutes, is amended to read:



538762

941 489.531 Prohibitions; penalties.-

942 (4) Each county or municipality may, at its option,
943 designate one or more of its code enforcement officers, as
944 defined in chapter 162, to enforce, as set out in this
945 subsection, the provisions of subsection (1) against persons who
946 engage in activity for which county or municipal certification
947 is required.

948 (c) The local governing body of the county or municipality
949 is authorized to enforce codes and ordinances against unlicensed
950 contractors under the provisions of this section and may enact
951 an ordinance establishing procedures for implementing this
952 section, including a schedule of penalties to be assessed by the
953 code enforcement officers. The maximum civil penalty which may
954 be levied shall not exceed \$2,000 ~~\$500~~. Moneys collected
955 pursuant to this section shall be retained locally as provided
956 for by local ordinance and may be set aside in a specific fund
957 to support future enforcement activities against unlicensed
958 contractors.

959 Section 11. Section 553.721, Florida Statutes, is amended
960 to read:

961 553.721 Surcharge.-In order for the Department of Business
962 and Professional Regulation to administer and carry out the
963 purposes of this part and related activities, there is ~~hereby~~
964 created a surcharge, to be assessed at the rate of 1.5 percent
965 of the permit fees associated with enforcement of the Florida
966 Building Code as defined by the uniform account criteria and
967 specifically the uniform account code for building permits
968 adopted for local government financial reporting pursuant to s.
969 218.32. The minimum amount collected on any permit issued shall



538762

970 be \$2. The unit of government responsible for collecting a
971 permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect
972 the such surcharge and electronically remit the funds collected
973 to the department on a quarterly calendar basis ~~beginning not~~
974 ~~later than December 31, 2010,~~ for the preceding quarter, and
975 continuing each third month thereafter. ~~The, and such~~ unit of
976 government shall retain 10 percent of the surcharge collected to
977 fund the participation of building departments in the national
978 and state building code adoption processes and to provide
979 education related to enforcement of the Florida Building Code.
980 All funds remitted to the department pursuant to this section
981 shall be deposited in the Professional Regulation Trust Fund.
982 Funds collected from the such surcharge shall be allocated to
983 fund used exclusively for the duties of the Florida Building
984 Commission and the Florida Building Code Compliance and
985 Mitigation Program under s. 553.841. Funds allocated to the
986 Florida Building Code Compliance and Mitigation Program shall be
987 \$925,000 each fiscal year. The funds collected from the
988 surcharge may and the Department of Business and Professional
989 Regulation under this chapter and shall not be used to fund
990 research on techniques for mitigation of radon in existing
991 buildings. Funds used by the department as well as funds to be
992 transferred to the Department of Health shall be as prescribed
993 in the annual General Appropriations Act. The department shall
994 adopt rules governing the collection and remittance of
995 surcharges pursuant to in accordance with chapter 120.

996 Section 12. Subsection (10) of section 553.73, Florida
997 Statutes, is amended to read:

998 553.73 Florida Building Code.—



538762

999 (10) The following buildings, structures, and facilities
1000 are exempt from the Florida Building Code as provided by law,
1001 and any further exemptions shall be as determined by the
1002 Legislature and provided by law:

1003 (a) Buildings and structures specifically regulated and
1004 preempted by the Federal Government.

1005 (b) Railroads and ancillary facilities associated with the
1006 railroad.

1007 (c) Nonresidential farm buildings on farms.

1008 (d) Temporary buildings or sheds used exclusively for
1009 construction purposes.

1010 (e) Mobile or modular structures used as temporary offices,
1011 except that the provisions of part II relating to accessibility
1012 by persons with disabilities ~~shall~~ apply to such mobile or
1013 modular structures.

1014 (f) Those structures or facilities of electric utilities,
1015 as defined in s. 366.02, which are directly involved in the
1016 generation, transmission, or distribution of electricity.

1017 (g) Temporary sets, assemblies, or structures used in
1018 commercial motion picture or television production, or any
1019 sound-recording equipment used in such production, on or off the
1020 premises.

1021 (h) Storage sheds that are not designed for human
1022 habitation and that have a floor area of 720 square feet or less
1023 are not required to comply with the mandatory wind-borne-debris-
1024 impact standards of the Florida Building Code. In addition, such
1025 buildings that are 400 square feet or less and that are intended
1026 for use in conjunction with one- and two-family residences are
1027 not subject to the door height and width requirements of the



538762

1028 Florida Building Code.

1029 (i) Chickees constructed by the Miccosukee Tribe of Indians
1030 of Florida or the Seminole Tribe of Florida. As used in this
1031 paragraph, the term "chickee" means an open-sided wooden hut
1032 that has a thatched roof of palm or palmetto or other
1033 traditional materials, and that does not incorporate any
1034 electrical, plumbing, or other nonwood features.

1035 (j) Family mausoleums not exceeding 250 square feet in area
1036 which are prefabricated and assembled on site or preassembled
1037 and delivered on site and have walls, roofs, and a floor
1038 constructed of granite, marble, or reinforced concrete.

1039 (k) A building or structure having less than 1,000 square
1040 feet which is constructed and owned by a natural person for
1041 hunting and which is repaired or reconstructed to the same
1042 dimension and condition as existed on January 1, 2011, if the
1043 building or structure:

1044 1. Is not rented or leased or used as a principal
1045 residence;

1046 2. Is not located within the 100-year floodplain according
1047 to the Federal Emergency Management Agency's current Flood
1048 Insurance Rate Map; and

1049 3. Is not connected to an off-site electric power or water
1050 supply.

1051
1052 With the exception of paragraphs (a), (b), (c), and (f), in
1053 order to preserve the health, safety, and welfare of the public,
1054 the Florida Building Commission may, by rule adopted pursuant to
1055 chapter 120, provide for exceptions to the broad categories of
1056 buildings exempted in this section, including exceptions for



538762

1057 application of specific sections of the code or standards
1058 adopted therein. The Department of Agriculture and Consumer
1059 Services shall have exclusive authority to adopt by rule,
1060 pursuant to chapter 120, exceptions to nonresidential farm
1061 buildings exempted in paragraph (c) when reasonably necessary to
1062 preserve public health, safety, and welfare. The exceptions must
1063 be based upon specific criteria, such as under-roof floor area,
1064 aggregate electrical service capacity, HVAC system capacity, or
1065 other building requirements. Further, the commission may
1066 recommend to the Legislature additional categories of buildings,
1067 structures, or facilities which should be exempted from the
1068 Florida Building Code, to be provided by law. The Florida
1069 Building Code does not apply to temporary housing provided by
1070 the Department of Corrections to any prisoner in the state
1071 correctional system.

1072 Section 13. Subsection (4) of section 553.844, Florida
1073 Statutes, is amended to read:

1074 553.844 Windstorm loss mitigation; requirements for roofs
1075 and opening protection.—

1076 (4) Notwithstanding the provisions of this section, exposed
1077 mechanical equipment or appliances fastened to a roof or
1078 installed on the ground in compliance with the code using rated
1079 stands, platforms, curbs, slabs, or other means are deemed to
1080 comply with the wind resistance requirements of the 2007 Florida
1081 Building Code, as amended. Further support or enclosure of such
1082 mechanical equipment or appliances is not required by a state or
1083 local official having authority to enforce the Florida Building
1084 Code. This subsection expires on the effective date of the 2013
1085 ~~2010~~ Florida Building Code.



538762

1086 Section 14. Subsection (15) is added to section 633.0215,
1087 Florida Statutes, to read:

1088 633.0215 Florida Fire Prevention Code.—

1089 (15) The Legislature finds that the electronic filing of
1090 construction plans will increase governmental efficiency, reduce
1091 costs, and increase timeliness of processing permits. If the
1092 fire code administrator or fire official provides for electronic
1093 filing, any construction plans, drawings, specifications,
1094 reports, final documents, or documents prepared or issued by a
1095 licensee may be dated and electronically signed and sealed by
1096 the licensee in accordance with part I of chapter 668, and may
1097 be transmitted electronically to the fire code administrator or
1098 fire official for approval.

1099 Section 15. Paragraph (b) of subsection (6) of section
1100 713.135, Florida Statutes, is amended, and paragraph (d) is
1101 added to that subsection, to read:

1102 713.135 Notice of commencement and applicability of lien.—

1103 (6)

1104 (b)1. Consistent with the requirements of paragraph (a), an
1105 authority responsible for issuing building permits under this
1106 section may accept a building permit application in an
1107 electronic format, as prescribed by the authority. Building
1108 permit applications submitted to the authority electronically
1109 must contain the following additional statement in lieu of the
1110 requirement in paragraph (a) that a signed, sworn, and notarized
1111 signature of the owner or agent and the contractor be part of
1112 the owner's affidavit:

1113
1114 OWNER'S ELECTRONIC SUBMISSION STATEMENT: Under penalty



538762

1115 of perjury, I declare that all the information
1116 contained in this building permit application is true
1117 and correct.
1118

1119 2. An owner or contractor is not required to personally
1120 appear and provide a notarized signature when filing a building
1121 permit application for a solar project as described in s.
1122 489.103(7)(a)3. if the building permit application is
1123 electronically submitted to the permitting authority and the
1124 owner or contractor certifies that the application is consistent
1125 with this paragraph using the permitting authority's electronic
1126 confirmation system.

1127 (d) An authority responsible for issuing building permits
1128 which accepts building permit applications in an electronic
1129 format for solar projects, as defined in subparagraph (b)2., is
1130 not liable in any civil action for any inaccurate information
1131 submitted by an owner or contractor using the authority's
1132 electronic confirmation system.

1133 Section 16. The Florida Building Commission shall establish
1134 a workgroup to assist the commission in developing a rule for
1135 implementing an alternative design method for screen enclosures
1136 which allows for the removal of a section of the screen to
1137 accommodate high-wind events consistent with the provisions of
1138 the Florida Building Code.

1139 (1) The workgroup shall be comprised of the following
1140 representatives:

1141 (a) Two members who represent the screen enclosure
1142 manufacturing industry;

1143 (b) Two members who represent the aluminum contractors



538762

1144 industry;
1145 (c) One member who represents the Florida Home Builders
1146 Association;
1147 (d) One member who represents the Florida Swimming Pool
1148 Association;
1149 (e) Three members who represent the Building Officials
1150 Association of Florida;
1151 (f) One member who represents the building products
1152 industry; and
1153 (g) One member who is employed as a structural engineer.
1154 (2) The workgroup shall address the following factors to be
1155 included in the rule:
1156 (a) An alternative design method for a screen enclosure
1157 that is site-specific engineered;
1158 (b) A screen enclosure design using the alternative method
1159 that serves as a barrier that is required for a swimming pool
1160 and remains in place at the minimum height required for the
1161 barrier;
1162 (c) A screen enclosure design using clear, highly visible
1163 labels for panels that can be cut, retracted, or removed when
1164 winds are forecasted to exceed 75 mph;
1165 (d) A design for a screen that can be removed, cut, or
1166 retracted without the use of a ladder or scaffolding;
1167 (e) A requirement that the contractor provide replacement
1168 screen at the initial point of sale to repair the screen
1169 enclosure for designs that require cutting; and
1170 (f) An alternative design for a screen enclosure that
1171 requires the contractor to provide notice to the homeowner and
1172 the local building department that the homeowner must cut,



538762

1173 retract, or remove a panel or panels of the screen enclosure in
1174 accordance with engineering or manufacturer's instructions when
1175 wind speeds are expected to exceed 75 mph.

1176 (3) The Florida Building Commission shall appoint the
1177 workgroup no later than August 1, 2012, complete the draft rule
1178 by November 1, 2012, and adopt the rule by January 1, 2013. The
1179 Florida Building Commission shall incorporate the alternative
1180 screen enclosure design method requirements into the next
1181 version of the Florida Building Code. This section expires upon
1182 adoption and implementation of the requirements into the Florida
1183 Building Code.

1184 Section 17. This act shall take effect July 1, 2012.

1185
1186 ===== T I T L E A M E N D M E N T =====

1187 And the title is amended as follows:

1188 Delete everything before the enacting clause
1189 and insert:

1190 A bill to be entitled
1191 An act relating to building construction and
1192 inspection; amending s. 162.12, F.S.; revising the
1193 authorized methods of sending notices to violators of
1194 local codes; amending s. 381.0065, F.S.; revising the
1195 definition of the term "bedroom" for purposes of
1196 requirements governing onsite sewage treatment and
1197 disposal systems; conforming a cross-reference;
1198 providing that a permit for the installation,
1199 modification, or repair of an onsite sewage treatment
1200 and disposal system approved by the Department of
1201 Health transfers along with the title to the property



538762

1202 in a real estate transaction; prohibiting the
1203 transferred title from being encumbered by new permit
1204 requirements; providing criteria for an abandoned
1205 onsite sewage treatment and disposal system; providing
1206 guidelines for the reconnection of an abandoned
1207 system; providing for the applicability of rules to
1208 the construction of an onsite sewage treatment and
1209 disposal system; providing certain exemptions for a
1210 remodeled single-family home; amending s. 468.604,
1211 F.S.; authorizing a building code administrator or
1212 building official to approve the electronic filing of
1213 building plans and related documents; amending s.
1214 468.609, F.S.; revising the eligibility requirements
1215 of a building code inspector or plans examiner;
1216 revising criteria for the issuance of provisional
1217 certificates; amending s. 468.841, F.S.; including a
1218 person or a business organization acting within the
1219 scope of a landscape architecture license in the
1220 exemption from certain provisions related to mold
1221 assessment; amending s. 489.103, F.S.; providing an
1222 exemption from construction contracting requirements
1223 for an owner who installs, removes, or replaces solar
1224 panels on certain residences while acting as the
1225 contractor; providing for an electronic signature on
1226 the permit application; requiring the building permit
1227 application and disclosure statement to include a
1228 declaration statement by the owner; providing that the
1229 issuing authority is not liable in any civil action
1230 for inaccurate information submitted by the owner



538762

1231 using the authority's electronic permitting system;
1232 amending s. 489.105, F.S.; revising the definition of
1233 the term "demolish" for purposes of describing the
1234 scope of work of a contractor to include all buildings
1235 or residences of certain heights; clarifying the
1236 definition of the term "plumbing contractor"; removing
1237 the term "glazing contractor" from within the
1238 definition of the term "contractor" for purposes of
1239 licensing by the Department of Business and
1240 Professional Regulation; reenacting s. 489.105(6),
1241 F.S., relating to the definition of the term
1242 "contracting"; clarifying the intent of the
1243 Legislature in the adoption of certain amendments to
1244 s. 489.105(6), F.S., and specifying that the
1245 amendments were intended to be remedial in nature,
1246 clarify existing law, and apply retroactively to any
1247 contract for the sale of manufactured or factory-built
1248 buildings that will be completed on site and otherwise
1249 comply with the requirements under state law; amending
1250 ss. 489.127 and 489.531, F.S.; increasing the maximum
1251 civil penalties that may be assessed against
1252 unlicensed contractors; amending s. 553.721, F.S.;
1253 allocating a portion of the funds derived from a
1254 surcharge on permit fees to the Florida Building Code
1255 Compliance and Mitigation Program; making technical
1256 and grammatical changes; amending s. 553.73, F.S.;
1257 exempting certain buildings or structures used for
1258 hunting from the Florida Building Code; amending s.
1259 553.844, F.S.; extending the expiration date to 2013



538762

1260 for exemption of certain equipment installation
1261 meeting the 2007 building code; amending s. 633.0215,
1262 F.S.; authorizing the electronic filing of certain
1263 construction plans for approval by the fire code
1264 administrator or fire official; amending s. 713.135,
1265 F.S.; providing that an owner or contractor is not
1266 required to personally appear and provide a notarized
1267 signature when filing a building permit application
1268 for a solar project if certain conditions are met;
1269 providing that the issuing authority is not liable in
1270 any civil action for inaccurate information submitted
1271 by the owner using the authority's electronic
1272 permitting system; requiring the Florida Building
1273 Commission to establish a workgroup to assist in the
1274 development of rules for an alternative design method
1275 for screen enclosures; providing for membership of the
1276 workgroup; providing factors that must be included in
1277 the rule; providing dates for appointment of the
1278 workgroup and adoption of a rule; requiring the
1279 commission to incorporate the alternative design
1280 method for screen enclosures into the Florida Building
1281 Code; providing conditions for expiration of the
1282 provision; providing an effective date.