

By Senator Bennett

21-00202D-12

2012704

1 A bill to be entitled
2 An act relating to building construction and
3 inspection; amending s. 162.12, F.S.; revising the
4 authorized methods of sending notices to violators of
5 local codes; amending s. 468.604, F.S.; authorizing a
6 building code administrator or building official to
7 approve the electronic filing of building plans and
8 related documents; amending s. 489.105, F.S.; revising
9 the definition of the term "demolish" for purposes of
10 describing the scope of work of a contractor to
11 include all buildings or residences, rather than
12 buildings or residences of certain heights; amending
13 s. 553.721, F.S.; allocating a portion of the funds
14 derived from a surcharge on permit fees to the Florida
15 Building Code Compliance and Mitigation Program;
16 making technical and grammatical changes; amending s.
17 553.73, F.S.; exempting certain buildings or
18 structures used for hunting from the Florida Building
19 Code; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (1) of section 162.12, Florida
24 Statutes, is amended to read:

25 162.12 Notices.—

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

28 (a) Certified mail, return receipt requested, to ~~provided~~
29 ~~if such notice is sent under this paragraph to the owner of the~~

21-00202D-12

2012704

30 ~~property in question at the address listed in the tax~~
31 ~~collector's office for tax notices, or to and at any other~~
32 ~~address provided by the property owner in writing to the local~~
33 ~~government for the purpose of receiving notices. For property~~
34 ~~owned by a corporation, notices may be provided by certified~~
35 ~~mail, return receipt requested, to the registered agent of the~~
36 ~~corporation. If any notice sent by certified mail is not signed~~
37 ~~as received within 30 days after the date of mailing by such~~
38 ~~owner and is returned as unclaimed or refused, notice may be~~
39 ~~provided by posting as described in subparagraphs (2) (b) 1. and~~
40 ~~2. and by first class mail directed to the addresses furnished~~
41 ~~to the local government with a properly executed proof of~~
42 ~~mailing or affidavit confirming the first class mailing;~~

43 (b) Hand delivery by the sheriff or other law enforcement
44 officer, code inspector, or other person designated by the local
45 governing body;

46 (c) Leaving the notice at the violator's usual place of
47 residence with any person residing therein who is above 15 years
48 of age and informing such person of the contents of the notice;
49 or

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

52
53 Evidence that an attempt has been made to hand deliver or mail
54 notice as provided in subsection (1), together with proof of
55 publication or posting as provided in subsection (2), shall be
56 sufficient to show that the notice requirements of this part
57 have been met, without regard to whether or not the alleged
58 violator actually received such notice.

21-00202D-12

2012704

59 Section 2. Section 468.604, Florida Statutes, is amended to
60 read:

61 468.604 Responsibilities of building code administrators,
62 plans examiners, and inspectors.-

63 (1) It is the responsibility of the building code
64 administrator or building official to administrate, supervise,
65 direct, enforce, or perform the permitting and inspection of
66 construction, alteration, repair, remodeling, or demolition of
67 structures and the installation of building systems within the
68 boundaries of their governmental jurisdiction, when permitting
69 is required, to ensure compliance with the Florida Building Code
70 and any applicable local technical amendment to the Florida
71 Building Code. The building code administrator or building
72 official shall faithfully perform these responsibilities without
73 interference from any person. These responsibilities include:

74 (a) The review of construction plans to ensure compliance
75 with all applicable sections of the code. The construction plans
76 must be reviewed before the issuance of any building, system
77 installation, or other construction permit. The review of
78 construction plans must be done by the building code
79 administrator or building official or by a person having the
80 appropriate plans examiner license issued under this chapter.

81 (b) The inspection of each phase of construction where a
82 building or other construction permit has been issued. The
83 building code administrator or building official, or a person
84 having the appropriate building code inspector license issued
85 under this chapter, shall inspect the construction or
86 installation to ensure that the work is performed in accordance
87 with applicable sections of the code.

21-00202D-12

2012704

88 (2) It is the responsibility of the building code inspector
89 to conduct inspections of construction, alteration, repair,
90 remodeling, or demolition of structures and the installation of
91 building systems, when permitting is required, to ensure
92 compliance with the Florida Building Code and any applicable
93 local technical amendment to the Florida Building Code. Each
94 building code inspector must be licensed in the appropriate
95 category as defined in s. 468.603. The building code inspector's
96 responsibilities must be performed under the direction of the
97 building code administrator or building official without
98 interference from any unlicensed person.

99 (3) It is the responsibility of the plans examiner to
100 conduct review of construction plans submitted in the permit
101 application to assure compliance with the Florida Building Code
102 and any applicable local technical amendment to the Florida
103 Building Code. The review of construction plans must be done by
104 the building code administrator or building official or by a
105 person licensed in the appropriate plans examiner category as
106 defined in s. 468.603. The plans examiner's responsibilities
107 must be performed under the supervision and authority of the
108 building code administrator or building official without
109 interference from any unlicensed person.

110 (4) The Legislature finds that the electronic filing of
111 construction plans will increase government efficiency, reduce
112 costs, and increase the timeliness of processing permits. Upon
113 approval by the building code administrator or building
114 official, construction plans, drawings, specifications, reports,
115 final documents, or documents prepared or issued by a licensee
116 for review by the building code administrator, building

21-00202D-12

2012704

117 official, or plans examiner may be transmitted electronically
118 and may be signed by the licensee and dated and sealed
119 electronically pursuant to ss. 668.001-668.006.

120 Section 3. Subsection (3) of section 489.105, Florida
121 Statutes, is amended to read:

122 489.105 Definitions.—As used in this part:

123 (3) "Contractor" means the person who is qualified for, and
124 is only responsible for, the project contracted for and means,
125 except as exempted in this part, the person who, for
126 compensation, undertakes to, submits a bid to, or does himself
127 or herself or by others construct, repair, alter, remodel, add
128 to, demolish, subtract from, or improve any building or
129 structure, including related improvements to real estate, for
130 others or for resale to others; and whose job scope is
131 substantially similar to the job scope described in one of the
132 ~~subsequent~~ paragraphs of this subsection. For the purposes of
133 regulation under this part, the term "demolish" applies only to
134 demolition of steel tanks more than ~~over~~ 50 feet in height;
135 towers more than ~~over~~ 50 feet in height; other structures more
136 than ~~over~~ 50 feet in height; and all, ~~other than~~ buildings or
137 residences ~~over three stories tall; and buildings or residences~~
138 ~~over three stories tall~~. Contractors are subdivided into two
139 divisions, Division I, consisting of those contractors defined
140 in paragraphs (a)-(c), and Division II, consisting of those
141 contractors defined in paragraphs (d)-(r):

142 (a) "General contractor" means a contractor whose services
143 are unlimited as to the type of work which he or she may do, who
144 may contract for any activity requiring licensure under this
145 part, and who may perform any work requiring licensure under

21-00202D-12

2012704

146 this part, except as otherwise expressly provided in s. 489.113.

147 (b) "Building contractor" means a contractor whose services
148 are limited to construction of commercial buildings and single-
149 dwelling or multiple-dwelling residential buildings, which do
150 not exceed three stories in height, and accessory use structures
151 in connection therewith or a contractor whose services are
152 limited to remodeling, repair, or improvement of any size
153 building if the services do not affect the structural members of
154 the building.

155 (c) "Residential contractor" means a contractor whose
156 services are limited to construction, remodeling, repair, or
157 improvement of one-family, two-family, or three-family
158 residences not exceeding two habitable stories above no more
159 than one uninhabitable story and accessory use structures in
160 connection therewith.

161 (d) "Sheet metal contractor" means a contractor whose
162 services are unlimited in the sheet metal trade and who has the
163 experience, knowledge, and skill necessary for the manufacture,
164 fabrication, assembling, handling, erection, installation,
165 dismantling, conditioning, adjustment, insulation, alteration,
166 repair, servicing, or design, if not prohibited by law, of
167 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
168 equivalent or lighter gauge and of other materials, including,
169 but not limited to, fiberglass, used in lieu thereof and of air-
170 handling systems, including the setting of air-handling
171 equipment and reinforcement of same, the balancing of air-
172 handling systems, and any duct cleaning and equipment sanitizing
173 that requires at least a partial disassembling of the system.

174 (e) "Roofing contractor" means a contractor whose services

21-00202D-12

2012704

175 are unlimited in the roofing trade and who has the experience,
176 knowledge, and skill to install, maintain, repair, alter,
177 extend, or design, if not prohibited by law, and use materials
178 and items used in the installation, maintenance, extension, and
179 alteration of all kinds of roofing, waterproofing, and coating,
180 except when coating is not represented to protect, repair,
181 waterproof, stop leaks, or extend the life of the roof. The
182 scope of work of a roofing contractor also includes required
183 roof-deck attachments and any repair or replacement of wood roof
184 sheathing or fascia as needed during roof repair or replacement.

185 (f) "Class A air-conditioning contractor" means a
186 contractor whose services are unlimited in the execution of
187 contracts requiring the experience, knowledge, and skill to
188 install, maintain, repair, fabricate, alter, extend, or design,
189 if not prohibited by law, central air-conditioning,
190 refrigeration, heating, and ventilating systems, including duct
191 work in connection with a complete system if such duct work is
192 performed by the contractor as necessary to complete an air-
193 distribution system, boiler and unfired pressure vessel systems,
194 and all appurtenances, apparatus, or equipment used in
195 connection therewith, and any duct cleaning and equipment
196 sanitizing that requires at least a partial disassembling of the
197 system; to install, maintain, repair, fabricate, alter, extend,
198 or design, if not prohibited by law, piping, insulation of
199 pipes, vessels and ducts, pressure and process piping, and
200 pneumatic control piping; to replace, disconnect, or reconnect
201 power wiring on the load side of the dedicated existing
202 electrical disconnect switch; to install, disconnect, and
203 reconnect low voltage heating, ventilating, and air-conditioning

21-00202D-12

2012704

204 control wiring; and to install a condensate drain from an air-
205 conditioning unit to an existing safe waste or other approved
206 disposal other than a direct connection to a sanitary system.
207 The scope of work for such contractor also includes any
208 excavation work incidental thereto, but does not include any
209 work such as liquefied petroleum or natural gas fuel lines
210 within buildings, except for disconnecting or reconnecting
211 changeouts of liquefied petroleum or natural gas appliances
212 within buildings; potable water lines or connections thereto;
213 sanitary sewer lines; swimming pool piping and filters; or
214 electrical power wiring.

215 (g) "Class B air-conditioning contractor" means a
216 contractor whose services are limited to 25 tons of cooling and
217 500,000 Btu of heating in any one system in the execution of
218 contracts requiring the experience, knowledge, and skill to
219 install, maintain, repair, fabricate, alter, extend, or design,
220 if not prohibited by law, central air-conditioning,
221 refrigeration, heating, and ventilating systems, including duct
222 work in connection with a complete system only to the extent
223 such duct work is performed by the contractor as necessary to
224 complete an air-distribution system being installed under this
225 classification, and any duct cleaning and equipment sanitizing
226 that requires at least a partial disassembling of the system; to
227 install, maintain, repair, fabricate, alter, extend, or design,
228 if not prohibited by law, piping and insulation of pipes,
229 vessels, and ducts; to replace, disconnect, or reconnect power
230 wiring on the load side of the dedicated existing electrical
231 disconnect switch; to install, disconnect, and reconnect low
232 voltage heating, ventilating, and air-conditioning control

21-00202D-12

2012704

233 wiring; and to install a condensate drain from an air-
234 conditioning unit to an existing safe waste or other approved
235 disposal other than a direct connection to a sanitary system.
236 The scope of work for such contractor also includes any
237 excavation work incidental thereto, but does not include any
238 work such as liquefied petroleum or natural gas fuel lines
239 within buildings, except for disconnecting or reconnecting
240 changeouts of liquefied petroleum or natural gas appliances
241 within buildings; potable water lines or connections thereto;
242 sanitary sewer lines; swimming pool piping and filters; or
243 electrical power wiring.

244 (h) "Class C air-conditioning contractor" means a
245 contractor whose business is limited to the servicing of air-
246 conditioning, heating, or refrigeration systems, including any
247 duct cleaning and equipment sanitizing that requires at least a
248 partial disassembling of the system, and whose certification or
249 registration, issued pursuant to this part, was valid on October
250 1, 1988. Only a person who was registered or certified as a
251 Class C air-conditioning contractor as of October 1, 1988, shall
252 be so registered or certified after October 1, 1988. However,
253 the board shall continue to license and regulate those Class C
254 air-conditioning contractors who held Class C licenses before
255 October 1, 1988.

256 (i) "Mechanical contractor" means a contractor whose
257 services are unlimited in the execution of contracts requiring
258 the experience, knowledge, and skill to install, maintain,
259 repair, fabricate, alter, extend, or design, if not prohibited
260 by law, central air-conditioning, refrigeration, heating, and
261 ventilating systems, including duct work in connection with a

21-00202D-12

2012704

262 complete system if such duct work is performed by the contractor
263 as necessary to complete an air-distribution system, boiler and
264 unfired pressure vessel systems, lift station equipment and
265 piping, and all appurtenances, apparatus, or equipment used in
266 connection therewith, and any duct cleaning and equipment
267 sanitizing that requires at least a partial disassembling of the
268 system; to install, maintain, repair, fabricate, alter, extend,
269 or design, if not prohibited by law, piping, insulation of
270 pipes, vessels and ducts, pressure and process piping, pneumatic
271 control piping, gasoline tanks and pump installations and piping
272 for same, standpipes, air piping, vacuum line piping, oxygen
273 lines, nitrous oxide piping, ink and chemical lines, fuel
274 transmission lines, liquefied petroleum gas lines within
275 buildings, and natural gas fuel lines within buildings; to
276 replace, disconnect, or reconnect power wiring on the load side
277 of the dedicated existing electrical disconnect switch; to
278 install, disconnect, and reconnect low voltage heating,
279 ventilating, and air-conditioning control wiring; and to install
280 a condensate drain from an air-conditioning unit to an existing
281 safe waste or other approved disposal other than a direct
282 connection to a sanitary system. The scope of work for such
283 contractor also includes any excavation work incidental thereto,
284 but does not include any work such as potable water lines or
285 connections thereto, sanitary sewer lines, swimming pool piping
286 and filters, or electrical power wiring.

287 (j) "Commercial pool/spa contractor" means a contractor
288 whose scope of work involves, but is not limited to, the
289 construction, repair, and servicing of any swimming pool, or hot
290 tub or spa, whether public, private, or otherwise, regardless of

21-00202D-12

2012704

291 use. The scope of work includes the installation, repair, or
292 replacement of existing equipment, any cleaning or equipment
293 sanitizing that requires at least a partial disassembling,
294 excluding filter changes, and the installation of new pool/spa
295 equipment, interior finishes, the installation of package pool
296 heaters, the installation of all perimeter piping and filter
297 piping, and the construction of equipment rooms or housing for
298 pool/spa equipment, and also includes the scope of work of a
299 swimming pool/spa servicing contractor. The scope of such work
300 does not include direct connections to a sanitary sewer system
301 or to potable water lines. The installation, construction,
302 modification, or replacement of equipment permanently attached
303 to and associated with the pool or spa for the purpose of water
304 treatment or cleaning of the pool or spa requires licensure;
305 however, the usage of such equipment for the purposes of water
306 treatment or cleaning does not require licensure unless the
307 usage involves construction, modification, or replacement of
308 such equipment. Water treatment that does not require such
309 equipment does not require a license. In addition, a license is
310 not required for the cleaning of the pool or spa in a way that
311 does not affect the structural integrity of the pool or spa or
312 its associated equipment.

313 (k) "Residential pool/spa contractor" means a contractor
314 whose scope of work involves, but is not limited to, the
315 construction, repair, and servicing of a residential swimming
316 pool, or hot tub or spa, regardless of use. The scope of work
317 includes the installation, repair, or replacement of existing
318 equipment, any cleaning or equipment sanitizing that requires at
319 least a partial disassembling, excluding filter changes, and the

21-00202D-12

2012704

320 installation of new pool/spa equipment, interior finishes, the
321 installation of package pool heaters, the installation of all
322 perimeter piping and filter piping, and the construction of
323 equipment rooms or housing for pool/spa equipment, and also
324 includes the scope of work of a swimming pool/spa servicing
325 contractor. The scope of such work does not include direct
326 connections to a sanitary sewer system or to potable water
327 lines. The installation, construction, modification, or
328 replacement of equipment permanently attached to and associated
329 with the pool or spa for the purpose of water treatment or
330 cleaning of the pool or spa requires licensure; however, the
331 usage of such equipment for the purposes of water treatment or
332 cleaning does not require licensure unless the usage involves
333 construction, modification, or replacement of such equipment.
334 Water treatment that does not require such equipment does not
335 require a license. In addition, a license is not required for
336 the cleaning of the pool or spa in a way that does not affect
337 the structural integrity of the pool or spa or its associated
338 equipment.

339 (1) "Swimming pool/spa servicing contractor" means a
340 contractor whose scope of work involves, but is not limited to,
341 the repair and servicing of a swimming pool, or hot tub or spa,
342 whether public or private, or otherwise, regardless of use. The
343 scope of work includes the repair or replacement of existing
344 equipment, any cleaning or equipment sanitizing that requires at
345 least a partial disassembling, excluding filter changes, and the
346 installation of new pool/spa equipment, interior refinishing,
347 the reinstallation or addition of pool heaters, the repair or
348 replacement of all perimeter piping and filter piping, the

21-00202D-12

2012704

349 repair of equipment rooms or housing for pool/spa equipment, and
350 the substantial or complete draining of a swimming pool, or hot
351 tub or spa, for the purpose of repair or renovation. The scope
352 of such work does not include direct connections to a sanitary
353 sewer system or to potable water lines. The installation,
354 construction, modification, substantial or complete disassembly,
355 or replacement of equipment permanently attached to and
356 associated with the pool or spa for the purpose of water
357 treatment or cleaning of the pool or spa requires licensure;
358 however, the usage of such equipment for the purposes of water
359 treatment or cleaning does not require licensure unless the
360 usage involves construction, modification, substantial or
361 complete disassembly, or replacement of such equipment. Water
362 treatment that does not require such equipment does not require
363 a license. In addition, a license is not required for the
364 cleaning of the pool or spa in a way that does not affect the
365 structural integrity of the pool or spa or its associated
366 equipment.

367 (m) "Plumbing contractor" means a contractor whose
368 contracting business consists of the execution of contracts
369 requiring the experience, financial means, knowledge, and skill
370 to install, maintain, repair, alter, extend, or, if not
371 prohibited by law, design plumbing. A plumbing contractor may
372 install, maintain, repair, alter, extend, or, if not prohibited
373 by law, design the following without obtaining an additional
374 local regulatory license, certificate, or registration: sanitary
375 drainage or storm drainage facilities; venting systems; public
376 or private water supply systems; septic tanks; drainage and
377 supply wells; swimming pool piping; irrigation systems; or solar

21-00202D-12

2012704

378 heating water systems and all appurtenances, apparatus, or
379 equipment used in connection therewith, including boilers and
380 pressure process piping and including the installation of water,
381 natural gas, liquefied petroleum gas and related venting, and
382 storm and sanitary sewer lines; and water and sewer plants and
383 substations. The scope of work of the plumbing contractor also
384 includes the design, if not prohibited by law, and installation,
385 maintenance, repair, alteration, or extension of air-piping,
386 vacuum line piping, oxygen line piping, nitrous oxide piping,
387 and all related medical gas systems; fire line standpipes and
388 fire sprinklers if authorized by law; ink and chemical lines;
389 fuel oil and gasoline piping and tank and pump installation,
390 except bulk storage plants; and pneumatic control piping
391 systems, all in a manner that complies with all plans,
392 specifications, codes, laws, and regulations applicable. The
393 scope of work of the plumbing contractor applies to private
394 property and public property, including any excavation work
395 incidental thereto, and includes the work of the specialty
396 plumbing contractor. Such contractor shall subcontract, with a
397 qualified contractor in the field concerned, all other work
398 incidental to the work but which is specified as being the work
399 of a trade other than that of a plumbing contractor. This
400 definition does not limit the scope of work of any specialty
401 contractor certified pursuant to s. 489.113(6), and does not
402 require certification or registration under this part of any
403 authorized employee of a public natural gas utility or of a
404 private natural gas utility regulated by the Public Service
405 Commission when disconnecting and reconnecting water lines in
406 the servicing or replacement of an existing water heater.

21-00202D-12

2012704

407 (n) "Underground utility and excavation contractor" means a
408 contractor whose services are limited to the construction,
409 installation, and repair, on public or private property, whether
410 accomplished through open excavations or through other means,
411 including, but not limited to, directional drilling, auger
412 boring, jacking and boring, trenchless technologies, wet and dry
413 taps, grouting, and slip lining, of main sanitary sewer
414 collection systems, main water distribution systems, storm sewer
415 collection systems, and the continuation of utility lines from
416 the main systems to a point of termination up to and including
417 the meter location for the individual occupancy, sewer
418 collection systems at property line on residential or single-
419 occupancy commercial properties, or on multioccupancy properties
420 at manhole or wye lateral extended to an invert elevation as
421 engineered to accommodate future building sewers, water
422 distribution systems, or storm sewer collection systems at storm
423 sewer structures. However, an underground utility and excavation
424 contractor may install empty underground conduits in rights-of-
425 way, easements, platted rights-of-way in new site development,
426 and sleeves for parking lot crossings no smaller than 2 inches
427 in diameter if each conduit system installed is designed by a
428 licensed professional engineer or an authorized employee of a
429 municipality, county, or public utility and the installation of
430 such conduit does not include installation of any conductor
431 wiring or connection to an energized electrical system. An
432 underground utility and excavation contractor may not install
433 piping that is an integral part of a fire protection system as
434 defined in s. 633.021 beginning at the point where the piping is
435 used exclusively for such system.

21-00202D-12

2012704

436 (o) "Solar contractor" means a contractor whose services
437 consist of the installation, alteration, repair, maintenance,
438 relocation, or replacement of solar panels for potable solar
439 water heating systems, swimming pool solar heating systems, and
440 photovoltaic systems and any appurtenances, apparatus, or
441 equipment used in connection therewith, whether public, private,
442 or otherwise, regardless of use. A contractor, certified or
443 registered pursuant to this chapter, is not required to become a
444 certified or registered solar contractor or to contract with a
445 solar contractor in order to provide services enumerated in this
446 paragraph that are within the scope of the services such
447 contractors may render under this part.

448 (p) "Pollutant storage systems contractor" means a
449 contractor whose services are limited to, and who has the
450 experience, knowledge, and skill to install, maintain, repair,
451 alter, extend, or design, if not prohibited by law, and use
452 materials and items used in the installation, maintenance,
453 extension, and alteration of, pollutant storage tanks. Any
454 person installing a pollutant storage tank shall perform such
455 installation in accordance with the standards adopted pursuant
456 to s. 376.303.

457 (q) "Glass and glazing contractor" means a contractor whose
458 services are unlimited in the execution of contracts requiring
459 the experience, knowledge, and skill to install, attach,
460 maintain, repair, fabricate, alter, extend, or design, in
461 residential and commercial applications without any height
462 restrictions, all types of windows, glass, and mirrors, whether
463 fixed or movable; swinging or sliding glass doors attached to
464 existing walls, floors, columns, or other structural members of

21-00202D-12

2012704

465 the building; glass holding or supporting mullions or horizontal
466 bars; structurally anchored impact-resistant opening protection
467 attached to existing building walls, floors, columns, or other
468 structural members of the building; prefabricated glass, metal,
469 or plastic curtain walls; storefront frames or panels; shower
470 and tub enclosures; metal fascias; and caulking incidental to
471 such work and assembly.

472 (r) "Specialty contractor" means a contractor whose scope
473 of work and responsibility is limited to a particular phase of
474 construction established in a category adopted by board rule and
475 whose scope is limited to a subset of the activities described
476 in one of the paragraphs of this subsection.

477 Section 4. Section 553.721, Florida Statutes, is amended to
478 read:

479 553.721 Surcharge.—In order for the Department of Business
480 and Professional Regulation to administer and carry out the
481 purposes of this part and related activities, there is ~~hereby~~
482 created a surcharge, to be assessed at the rate of 1.5 percent
483 of the permit fees associated with enforcement of the Florida
484 Building Code as defined by the uniform account criteria and
485 specifically the uniform account code for building permits
486 adopted for local government financial reporting pursuant to s.
487 218.32. The minimum amount collected on any permit issued shall
488 be \$2. The unit of government responsible for collecting a
489 permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect
490 the such surcharge and electronically remit the funds collected
491 to the department on a quarterly calendar basis ~~beginning not~~
492 ~~later than December 31, 2010,~~ for the preceding quarter, and
493 continuing each third month thereafter. The, and ~~such~~ unit of

21-00202D-12

2012704

494 government shall retain 10 percent of the surcharge collected to
495 fund the participation of building departments in the national
496 and state building code adoption processes and to provide
497 education related to enforcement of the Florida Building Code.
498 All funds remitted to the department pursuant to this section
499 shall be deposited in the Professional Regulation Trust Fund.
500 Funds collected from the ~~such~~ surcharge shall be allocated
501 equally to fund ~~used exclusively for the duties of~~ the Florida
502 Building Commission and the Florida Building Code Compliance and
503 Mitigation Program under s. 553.841. However, funds allocated to
504 the Florida Building Code Compliance and Mitigation Program may
505 not exceed \$925,000 in a fiscal year. The funds collected from
506 the surcharge may ~~and the Department of Business and~~
507 ~~Professional Regulation under this chapter and shall~~ not be used
508 to fund research on techniques for mitigation of radon in
509 existing buildings. Funds used by the department as well as
510 funds to be transferred to the Department of Health shall be as
511 prescribed in the annual General Appropriations Act. The
512 department shall adopt rules governing the collection and
513 remittance of surcharges pursuant to ~~in accordance with~~ chapter
514 120.

515 Section 5. Subsection (10) of section 553.73, Florida
516 Statutes, is amended to read:

517 553.73 Florida Building Code.—

518 (10) The following buildings, structures, and facilities
519 are exempt from the Florida Building Code as provided by law,
520 and any further exemptions shall be as determined by the
521 Legislature and provided by law:

522 (a) Buildings and structures specifically regulated and

21-00202D-12

2012704

523 preempted by the Federal Government.

524 (b) Railroads and ancillary facilities associated with the
525 railroad.

526 (c) Nonresidential farm buildings on farms.

527 (d) Temporary buildings or sheds used exclusively for
528 construction purposes.

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

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

536 (g) Temporary sets, assemblies, or structures used in
537 commercial motion picture or television production, or any
538 sound-recording equipment used in such production, on or off the
539 premises.

540 (h) Storage sheds that are not designed for human
541 habitation and that have a floor area of 720 square feet or less
542 are not required to comply with the mandatory wind-borne-debris-
543 impact standards of the Florida Building Code. In addition, such
544 buildings that are 400 square feet or less and that are intended
545 for use in conjunction with one- and two-family residences are
546 not subject to the door height and width requirements of the
547 Florida Building Code.

548 (i) Chickees constructed by the Miccosukee Tribe of Indians
549 of Florida or the Seminole Tribe of Florida. As used in this
550 paragraph, the term "chickee" means an open-sided wooden hut
551 that has a thatched roof of palm or palmetto or other

21-00202D-12

2012704__

552 traditional materials, and that does not incorporate any
553 electrical, plumbing, or other nonwood features.

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

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

563 1. Is not rented or leased or used as a principal
564 residence;

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

568 3. Is not connected to an off-site electric power or water
569 supply.

570
571 With the exception of paragraphs (a), (b), (c), and (f), in
572 order to preserve the health, safety, and welfare of the public,
573 the Florida Building Commission may, by rule adopted pursuant to
574 chapter 120, provide for exceptions to the broad categories of
575 buildings exempted in this section, including exceptions for
576 application of specific sections of the code or standards
577 adopted therein. The Department of Agriculture and Consumer
578 Services shall have exclusive authority to adopt by rule,
579 pursuant to chapter 120, exceptions to nonresidential farm
580 buildings exempted in paragraph (c) when reasonably necessary to

21-00202D-12

2012704__

581 preserve public health, safety, and welfare. The exceptions must
582 be based upon specific criteria, such as under-roof floor area,
583 aggregate electrical service capacity, HVAC system capacity, or
584 other building requirements. Further, the commission may
585 recommend to the Legislature additional categories of buildings,
586 structures, or facilities which should be exempted from the
587 Florida Building Code, to be provided by law. The Florida
588 Building Code does not apply to temporary housing provided by
589 the Department of Corrections to any prisoner in the state
590 correctional system.

591 Section 6. This act shall take effect July 1, 2012.