

By the Committee on Community Affairs; and Senator Bennett

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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. 381.0065, F.S.; revising the
6 definition of the term "bedroom" for purposes of
7 requirements governing onsite sewage treatment and
8 disposal systems; conforming a cross-reference;
9 providing that a permit for the installation,
10 modification, or repair of an onsite sewage treatment
11 and disposal system approved by the Department of
12 Health transfers along with the title to the property
13 in a real estate transaction; prohibiting the
14 transferred title from being encumbered by new permit
15 requirements; providing criteria for an abandoned
16 onsite sewage treatment and disposal system; providing
17 guidelines for the reconnection of an abandoned
18 system; providing for the applicability of rules to
19 the construction of an onsite sewage treatment and
20 disposal system; providing certain exemptions for a
21 remodeled single-family home; amending s. 468.604,
22 F.S.; authorizing a building code administrator or
23 building official to approve the electronic filing of
24 building plans and related documents; amending s.
25 468.609, F.S.; revising the eligibility requirements
26 of a building code inspector or plans examiner;
27 revising criteria for the issuance of provisional
28 certificates; amending s. 489.105, F.S.; revising the
29 definition of the term "demolish" for purposes of

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30 describing the scope of work of a contractor to
31 include all buildings or residences, rather than
32 buildings or residences of certain heights; reenacting
33 s. 489.105(6), F.S., relating to the definition of the
34 term "contracting"; clarifying the intent of the
35 Legislature in the adoption of certain amendments to
36 s. 489.105(6), F.S., and specifying that the
37 amendments were intended to be remedial in nature,
38 clarify existing law, and apply retroactively to any
39 contract for the sale of manufactured or factory-built
40 buildings that will be completed on site and otherwise
41 comply with the requirements under state law; amending
42 ss. 489.127 and 489.531, F.S.; increasing the maximum
43 civil penalties that may be assessed against
44 unlicensed contractors; amending s. 553.721, F.S.;

45 allocating a portion of the funds derived from a
46 surcharge on permit fees to the Florida Building Code
47 Compliance and Mitigation Program; making technical
48 and grammatical changes; amending s. 553.73, F.S.;

49 exempting certain buildings or structures used for
50 hunting from the Florida Building Code; requiring the
51 Florida Building Commission to adopt by rule a method
52 of alternative screen enclosure design to accommodate
53 wind resistance and to keep the screen enclosure
54 intact; requiring the contractor to provide certain
55 notice to the homeowner and the local building
56 department; requiring the rules to be incorporated
57 into the Florida Building Code; providing for
58 expiration of the requirement upon incorporation into

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59 the Florida Building Code; providing an effective
60 date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Subsection (1) of section 162.12, Florida
65 Statutes, is amended to read:

66 162.12 Notices.—

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

69 (a) Certified mail to, ~~return receipt requested, provided~~
70 ~~if such notice is sent under this paragraph to the owner of the~~
71 ~~property in question at the address listed in the tax~~
72 ~~collector's office for tax notices, or to and at any other~~
73 ~~address provided by the property owner in writing to the local~~
74 ~~government for the purpose of receiving notices. For property~~
75 ~~owned by a corporation, notices may be provided by certified~~
76 ~~mail, return receipt requested, to the registered agent of the~~
77 ~~corporation. If any notice sent by certified mail is not signed~~
78 ~~as received within 30 days after the date of mailing by such~~
79 ~~owner and is returned as unclaimed or refused, notice may be~~
80 provided by posting as described in subparagraphs (2) (b) 1. and
81 2. ~~and by first class mail directed to the addresses furnished~~
82 ~~to the local government with a properly executed proof of~~
83 ~~mailing or affidavit confirming the first class mailing;~~

84 (b) Hand delivery by the sheriff or other law enforcement
85 officer, code inspector, or other person designated by the local
86 governing body;

87 (c) Leaving the notice at the violator's usual place of

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88 residence with any person residing therein who is above 15 years
89 of age and informing such person of the contents of the notice;
90 or

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

93

94 Evidence that an attempt has been made to hand deliver or mail
95 notice as provided in subsection (1), together with proof of
96 publication or posting as provided in subsection (2), shall be
97 sufficient to show that the notice requirements of this part
98 have been met, without regard to whether or not the alleged
99 violator actually received such notice.

100 Section 2. Present paragraphs (b) through (p) of subsection
101 (2) of section 381.0065, Florida Statutes, are redesignated as
102 paragraphs (c) through (q), respectively, a new paragraph (b) is
103 added to that subsection, and paragraphs (w) through (z) are
104 added to subsection (4) of that section, to read:

105 381.0065 Onsite sewage treatment and disposal systems;
106 regulation.—

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

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

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

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

116 c. Is located along an exterior wall;

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

119 e. Has an emergency means of escape and rescue opening to
120 the outside.

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

123 3. "Bedroom" does not include a hallway, bathroom, kitchen,
124 living room, family room, dining room, den, breakfast nook,
125 pantry, laundry room, sunroom, recreation room, media/video
126 room, or exercise room.

127 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
128 construct, repair, modify, abandon, or operate an onsite sewage
129 treatment and disposal system without first obtaining a permit
130 approved by the department. The department may issue permits to
131 carry out this section, but shall not make the issuance of such
132 permits contingent upon prior approval by the Department of
133 Environmental Protection, except that the issuance of a permit
134 for work seaward of the coastal construction control line
135 established under s. 161.053 shall be contingent upon receipt of
136 any required coastal construction control line permit from the
137 Department of Environmental Protection. A construction permit is
138 valid for 18 months from the issuance date and may be extended
139 by the department for one 90-day period under rules adopted by
140 the department. A repair permit is valid for 90 days from the
141 date of issuance. An operating permit must be obtained prior to
142 the use of any aerobic treatment unit or if the establishment
143 generates commercial waste. Buildings or establishments that use
144 an aerobic treatment unit or generate commercial waste shall be
145 inspected by the department at least annually to assure

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146 compliance with the terms of the operating permit. The operating
147 permit for a commercial wastewater system is valid for 1 year
148 from the date of issuance and must be renewed annually. The
149 operating permit for an aerobic treatment unit is valid for 2
150 years from the date of issuance and must be renewed every 2
151 years. If all information pertaining to the siting, location,
152 and installation conditions or repair of an onsite sewage
153 treatment and disposal system remains the same, a construction
154 or repair permit for the onsite sewage treatment and disposal
155 system may be transferred to another person, if the transferee
156 files, within 60 days after the transfer of ownership, an
157 amended application providing all corrected information and
158 proof of ownership of the property. There is no fee associated
159 with the processing of this supplemental information. A person
160 may not contract to construct, modify, alter, repair, service,
161 abandon, or maintain any portion of an onsite sewage treatment
162 and disposal system without being registered under part III of
163 chapter 489. A property owner who personally performs
164 construction, maintenance, or repairs to a system serving his or
165 her own owner-occupied single-family residence is exempt from
166 registration requirements for performing such construction,
167 maintenance, or repairs on that residence, but is subject to all
168 permitting requirements. A municipality or political subdivision
169 of the state may not issue a building or plumbing permit for any
170 building that requires the use of an onsite sewage treatment and
171 disposal system unless the owner or builder has received a
172 construction permit for such system from the department. A
173 building or structure may not be occupied and a municipality,
174 political subdivision, or any state or federal agency may not

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175 authorize occupancy until the department approves the final
176 installation of the onsite sewage treatment and disposal system.
177 A municipality or political subdivision of the state may not
178 approve any change in occupancy or tenancy of a building that
179 uses an onsite sewage treatment and disposal system until the
180 department has reviewed the use of the system with the proposed
181 change, approved the change, and amended the operating permit.

182 (n) Evaluations for determining the seasonal high-water
183 table elevations or the suitability of soils for the use of a
184 new onsite sewage treatment and disposal system shall be
185 performed by department personnel, professional engineers
186 registered in the state, or such other persons with expertise,
187 as defined by rule, in making such evaluations. Evaluations for
188 determining mean annual flood lines shall be performed by those
189 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department
190 shall accept evaluations submitted by professional engineers and
191 such other persons as meet the expertise established by this
192 section or by rule unless the department has a reasonable
193 scientific basis for questioning the accuracy or completeness of
194 the evaluation.

195 (w) A permit that is approved by the department and issued
196 for the installation, modification, or repair of an onsite
197 sewage treatment and disposal system shall be transferred along
198 with the title to the property in a real estate transaction. A
199 title may not be encumbered at the time of transfer by new
200 permit requirements by a governmental entity for an onsite
201 sewage treatment and disposal system which differ from the
202 permitting requirements in effect at the time the system was
203 permitted, modified, or repaired.

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204 (x) 1. An onsite sewage treatment and disposal system is not
205 considered abandoned if the system is disconnected from a
206 structure that was made unusable or destroyed following a
207 disaster and was properly functioning at the time of
208 disconnection and was not adversely affected by the disaster.
209 The onsite sewage treatment and disposal system may be
210 reconnected to a rebuilt structure if:

211 a. The reconnection of the system is to the same type of
212 structure which contains the same number of bedrooms or fewer,
213 provided that the square footage of the structure is less than
214 or equal to 110 percent of the original square footage of the
215 structure that existed before the disaster;

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

217 c. The system has not been altered without prior
218 authorization.

219 2. An onsite sewage treatment and disposal system that
220 serves a property that is foreclosed upon is not considered
221 abandoned.

222 (y) If an onsite sewage treatment and disposal system
223 permittee receives, relies upon, and undertakes construction of
224 a system based upon a validly issued construction permit under
225 rules applicable at the time of construction but a change to a
226 rule occurs after the approval of the system for construction
227 but before the final approval of the system, the rules
228 applicable and in effect at the time of construction approval
229 apply at the time of final approval if fundamental site
230 conditions have not changed between the time of construction
231 approval and final approval.

232 (z) A modification, replacement, or upgrade of an onsite

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233 sewage treatment and disposal system is not required for a
234 remodeling addition to a single-family home if a bedroom is not
235 added.

236 Section 3. Section 468.604, Florida Statutes, is amended to
237 read:

238 468.604 Responsibilities of building code administrators,
239 plans examiners, and inspectors.—

240 (1) It is the responsibility of the building code
241 administrator or building official to administrate, supervise,
242 direct, enforce, or perform the permitting and inspection of
243 construction, alteration, repair, remodeling, or demolition of
244 structures and the installation of building systems within the
245 boundaries of their governmental jurisdiction, when permitting
246 is required, to ensure compliance with the Florida Building Code
247 and any applicable local technical amendment to the Florida
248 Building Code. The building code administrator or building
249 official shall faithfully perform these responsibilities without
250 interference from any person. These responsibilities include:

251 (a) The review of construction plans to ensure compliance
252 with all applicable sections of the code. The construction plans
253 must be reviewed before the issuance of any building, system
254 installation, or other construction permit. The review of
255 construction plans must be done by the building code
256 administrator or building official or by a person having the
257 appropriate plans examiner license issued under this chapter.

258 (b) The inspection of each phase of construction where a
259 building or other construction permit has been issued. The
260 building code administrator or building official, or a person
261 having the appropriate building code inspector license issued

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262 under this chapter, shall inspect the construction or
263 installation to ensure that the work is performed in accordance
264 with applicable sections of the code.

265 (2) It is the responsibility of the building code inspector
266 to conduct inspections of construction, alteration, repair,
267 remodeling, or demolition of structures and the installation of
268 building systems, when permitting is required, to ensure
269 compliance with the Florida Building Code and any applicable
270 local technical amendment to the Florida Building Code. Each
271 building code inspector must be licensed in the appropriate
272 category as defined in s. 468.603. The building code inspector's
273 responsibilities must be performed under the direction of the
274 building code administrator or building official without
275 interference from any unlicensed person.

276 (3) It is the responsibility of the plans examiner to
277 conduct review of construction plans submitted in the permit
278 application to assure compliance with the Florida Building Code
279 and any applicable local technical amendment to the Florida
280 Building Code. The review of construction plans must be done by
281 the building code administrator or building official or by a
282 person licensed in the appropriate plans examiner category as
283 defined in s. 468.603. The plans examiner's responsibilities
284 must be performed under the supervision and authority of the
285 building code administrator or building official without
286 interference from any unlicensed person.

287 (4) The Legislature finds that the electronic filing of
288 construction plans will increase government efficiency, reduce
289 costs, and increase timeliness of processing permits. If the
290 building code administrator or building official provides for

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291 electronic filing, the construction plans, drawings,
292 specifications, reports, final documents, or documents prepared
293 or issued by a licensee may be dated and electronically signed
294 and sealed by the licensee in accordance with ss. 668.001-
295 668.006 and may be transmitted electronically to the building
296 code administrator or building official for approval.

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

300 468.609 Administration of this part; standards for
301 certification; additional categories of certification.—

302 (2) A person may take the examination for certification as
303 a building code inspector or plans examiner pursuant to this
304 part if the person:

305 (c) Meets eligibility requirements according to one of the
306 following criteria:

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

310 2. Demonstrates a combination of postsecondary education in
311 the field of construction or a related field and experience
312 which totals 4 years, with at least 1 year of such total being
313 experience in construction, building code inspection, or plans
314 review;

315 3. Demonstrates a combination of technical education in the
316 field of construction or a related field and experience which
317 totals 4 years, with at least 1 year of such total being
318 experience in construction, building code inspection, or plans
319 review;

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

328 5. Demonstrates a combination of the completion of an
329 approved training program in the field of building code
330 inspection or plan review and a minimum of 2 years' experience
331 in the field of building code inspection, plan review, fire code
332 inspections and fire plans review of new buildings as a
333 firesafety inspector certified under s. 633.081(2), or
334 construction. The approved training portion of this requirement
335 shall include proof of satisfactory completion of a training
336 program of not less than 300 hours which is approved by the
337 board in the chosen category of building code inspection or plan
338 review in the certification category sought with not less than
339 20 hours of instruction in state laws, rules, and ethics
340 relating to professional standards of practice, duties, and
341 responsibilities of a certificateholder. The board shall
342 coordinate with the Building Officials Association of Florida,
343 Inc., to establish by rule the development and implementation of
344 the training program.

345 (7) (a) The board may provide for the issuance of
346 provisional certificates valid for 1 year ~~such period, not less~~
347 ~~than 3 years nor more than 5 years~~, as specified by board rule,
348 to any newly employed or promoted building code inspector or

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349 plans examiner who meets the eligibility requirements described
350 in subsection (2) and any newly employed or promoted building
351 code administrator who meets the eligibility requirements
352 described in subsection (3). The provisional license may be
353 renewed by the board for just cause; however, a provisional
354 license is not valid for a period longer than 3 years.

355 Section 5. Subsection (3) of section 489.105, Florida
356 Statutes, is amended, and subsection (6) of that section is
357 reenacted, to read:

358 489.105 Definitions.—As used in this part:

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

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

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

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

397 (d) "Sheet metal contractor" means a contractor whose
398 services are unlimited in the sheet metal trade and who has the
399 experience, knowledge, and skill necessary for the manufacture,
400 fabrication, assembling, handling, erection, installation,
401 dismantling, conditioning, adjustment, insulation, alteration,
402 repair, servicing, or design, if not prohibited by law, of
403 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
404 equivalent or lighter gauge and of other materials, including,
405 but not limited to, fiberglass, used in lieu thereof and of air-
406 handling systems, including the setting of air-handling

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407 equipment and reinforcement of same, the balancing of air-
408 handling systems, and any duct cleaning and equipment sanitizing
409 that requires at least a partial disassembling of the system.

410 (e) "Roofing contractor" means a contractor whose services
411 are unlimited in the roofing trade and who has the experience,
412 knowledge, and skill to install, maintain, repair, alter,
413 extend, or design, if not prohibited by law, and use materials
414 and items used in the installation, maintenance, extension, and
415 alteration of all kinds of roofing, waterproofing, and coating,
416 except when coating is not represented to protect, repair,
417 waterproof, stop leaks, or extend the life of the roof. The
418 scope of work of a roofing contractor also includes required
419 roof-deck attachments and any repair or replacement of wood roof
420 sheathing or fascia as needed during roof repair or replacement.

421 (f) "Class A air-conditioning contractor" means a
422 contractor whose services are unlimited in the execution of
423 contracts requiring the experience, knowledge, and skill to
424 install, maintain, repair, fabricate, alter, extend, or design,
425 if not prohibited by law, central air-conditioning,
426 refrigeration, heating, and ventilating systems, including duct
427 work in connection with a complete system if such duct work is
428 performed by the contractor as necessary to complete an air-
429 distribution system, boiler and unfired pressure vessel systems,
430 and all appurtenances, apparatus, or equipment used in
431 connection therewith, and any duct cleaning and equipment
432 sanitizing that requires at least a partial disassembling of the
433 system; to install, maintain, repair, fabricate, alter, extend,
434 or design, if not prohibited by law, piping, insulation of
435 pipes, vessels and ducts, pressure and process piping, and

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436 pneumatic control piping; to replace, disconnect, or reconnect
437 power wiring on the load side of the dedicated existing
438 electrical disconnect switch; to install, disconnect, and
439 reconnect low voltage heating, ventilating, and air-conditioning
440 control wiring; and to install a condensate drain from an air-
441 conditioning unit to an existing safe waste or other approved
442 disposal other than a direct connection to a sanitary system.
443 The scope of work for such contractor also includes any
444 excavation work incidental thereto, but does not include any
445 work such as liquefied petroleum or natural gas fuel lines
446 within buildings, except for disconnecting or reconnecting
447 changeouts of liquefied petroleum or natural gas appliances
448 within buildings; potable water lines or connections thereto;
449 sanitary sewer lines; swimming pool piping and filters; or
450 electrical power wiring.

451 (g) "Class B air-conditioning contractor" means a
452 contractor whose services are limited to 25 tons of cooling and
453 500,000 Btu of heating in any one system in the execution of
454 contracts requiring the experience, knowledge, and skill to
455 install, maintain, repair, fabricate, alter, extend, or design,
456 if not prohibited by law, central air-conditioning,
457 refrigeration, heating, and ventilating systems, including duct
458 work in connection with a complete system only to the extent
459 such duct work is performed by the contractor as necessary to
460 complete an air-distribution system being installed under this
461 classification, and any duct cleaning and equipment sanitizing
462 that requires at least a partial disassembling of the system; to
463 install, maintain, repair, fabricate, alter, extend, or design,
464 if not prohibited by law, piping and insulation of pipes,

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465 vessels, and ducts; to replace, disconnect, or reconnect power
466 wiring on the load side of the dedicated existing electrical
467 disconnect switch; to install, disconnect, and reconnect low
468 voltage heating, ventilating, and air-conditioning control
469 wiring; and to install a condensate drain from an air-
470 conditioning unit to an existing safe waste or other approved
471 disposal other than a direct connection to a sanitary system.
472 The scope of work for such contractor also includes any
473 excavation work incidental thereto, but does not include any
474 work such as liquefied petroleum or natural gas fuel lines
475 within buildings, except for disconnecting or reconnecting
476 changeouts of liquefied petroleum or natural gas appliances
477 within buildings; potable water lines or connections thereto;
478 sanitary sewer lines; swimming pool piping and filters; or
479 electrical power wiring.

480 (h) "Class C air-conditioning contractor" means a
481 contractor whose business is limited to the servicing of air-
482 conditioning, heating, or refrigeration systems, including any
483 duct cleaning and equipment sanitizing that requires at least a
484 partial disassembling of the system, and whose certification or
485 registration, issued pursuant to this part, was valid on October
486 1, 1988. Only a person who was registered or certified as a
487 Class C air-conditioning contractor as of October 1, 1988, shall
488 be so registered or certified after October 1, 1988. However,
489 the board shall continue to license and regulate those Class C
490 air-conditioning contractors who held Class C licenses before
491 October 1, 1988.

492 (i) "Mechanical contractor" means a contractor whose
493 services are unlimited in the execution of contracts requiring

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

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523 (j) "Commercial pool/spa contractor" means a contractor
524 whose scope of work involves, but is not limited to, the
525 construction, repair, and servicing of any swimming pool, or hot
526 tub or spa, whether public, private, or otherwise, regardless of
527 use. The scope of work includes the installation, repair, or
528 replacement of existing equipment, any cleaning or equipment
529 sanitizing that requires at least a partial disassembling,
530 excluding filter changes, and the installation of new pool/spa
531 equipment, interior finishes, the installation of package pool
532 heaters, the installation of all perimeter piping and filter
533 piping, and the construction of equipment rooms or housing for
534 pool/spa equipment, and also includes the scope of work of a
535 swimming pool/spa servicing contractor. The scope of such work
536 does not include direct connections to a sanitary sewer system
537 or to potable water lines. The installation, construction,
538 modification, or replacement of equipment permanently attached
539 to and associated with the pool or spa for the purpose of water
540 treatment or cleaning of the pool or spa requires licensure;
541 however, the usage of such equipment for the purposes of water
542 treatment or cleaning does not require licensure unless the
543 usage involves construction, modification, or replacement of
544 such equipment. Water treatment that does not require such
545 equipment does not require a license. In addition, a license is
546 not required for the cleaning of the pool or spa in a way that
547 does not affect the structural integrity of the pool or spa or
548 its associated equipment.

549 (k) "Residential pool/spa contractor" means a contractor
550 whose scope of work involves, but is not limited to, the
551 construction, repair, and servicing of a residential swimming

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

575 (1) "Swimming pool/spa servicing contractor" means a
576 contractor whose scope of work involves, but is not limited to,
577 the repair and servicing of a swimming pool, or hot tub or spa,
578 whether public or private, or otherwise, regardless of use. The
579 scope of work includes the repair or replacement of existing
580 equipment, any cleaning or equipment sanitizing that requires at

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

603 (m) "Plumbing contractor" means a contractor whose
604 contracting business consists of the execution of contracts
605 requiring the experience, financial means, knowledge, and skill
606 to install, maintain, repair, alter, extend, or, if not
607 prohibited by law, design plumbing. A plumbing contractor may
608 install, maintain, repair, alter, extend, or, if not prohibited
609 by law, design the following without obtaining an additional

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610 local regulatory license, certificate, or registration: sanitary
611 drainage or storm drainage facilities; venting systems; public
612 or private water supply systems; septic tanks; drainage and
613 supply wells; swimming pool piping; irrigation systems; or solar
614 heating water systems and all appurtenances, apparatus, or
615 equipment used in connection therewith, including boilers and
616 pressure process piping and including the installation of water,
617 natural gas, liquefied petroleum gas and related venting, and
618 storm and sanitary sewer lines; and water and sewer plants and
619 substations. The scope of work of the plumbing contractor also
620 includes the design, if not prohibited by law, and installation,
621 maintenance, repair, alteration, or extension of air-piping,
622 vacuum line piping, oxygen line piping, nitrous oxide piping,
623 and all related medical gas systems; fire line standpipes and
624 fire sprinklers if authorized by law; ink and chemical lines;
625 fuel oil and gasoline piping and tank and pump installation,
626 except bulk storage plants; and pneumatic control piping
627 systems, all in a manner that complies with all plans,
628 specifications, codes, laws, and regulations applicable. The
629 scope of work of the plumbing contractor applies to private
630 property and public property, including any excavation work
631 incidental thereto, and includes the work of the specialty
632 plumbing contractor. Such contractor shall subcontract, with a
633 qualified contractor in the field concerned, all other work
634 incidental to the work but which is specified as being the work
635 of a trade other than that of a plumbing contractor. This
636 definition does not limit the scope of work of any specialty
637 contractor certified pursuant to s. 489.113(6), and does not
638 require certification or registration under this part of any

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639 authorized employee of a public natural gas utility or of a
640 private natural gas utility regulated by the Public Service
641 Commission when disconnecting and reconnecting water lines in
642 the servicing or replacement of an existing water heater.

643 (n) "Underground utility and excavation contractor" means a
644 contractor whose services are limited to the construction,
645 installation, and repair, on public or private property, whether
646 accomplished through open excavations or through other means,
647 including, but not limited to, directional drilling, auger
648 boring, jacking and boring, trenchless technologies, wet and dry
649 taps, grouting, and slip lining, of main sanitary sewer
650 collection systems, main water distribution systems, storm sewer
651 collection systems, and the continuation of utility lines from
652 the main systems to a point of termination up to and including
653 the meter location for the individual occupancy, sewer
654 collection systems at property line on residential or single-
655 occupancy commercial properties, or on multioccupancy properties
656 at manhole or wye lateral extended to an invert elevation as
657 engineered to accommodate future building sewers, water
658 distribution systems, or storm sewer collection systems at storm
659 sewer structures. However, an underground utility and excavation
660 contractor may install empty underground conduits in rights-of-
661 way, easements, platted rights-of-way in new site development,
662 and sleeves for parking lot crossings no smaller than 2 inches
663 in diameter if each conduit system installed is designed by a
664 licensed professional engineer or an authorized employee of a
665 municipality, county, or public utility and the installation of
666 such conduit does not include installation of any conductor
667 wiring or connection to an energized electrical system. An

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668 underground utility and excavation contractor may not install
669 piping that is an integral part of a fire protection system as
670 defined in s. 633.021 beginning at the point where the piping is
671 used exclusively for such system.

672 (o) "Solar contractor" means a contractor whose services
673 consist of the installation, alteration, repair, maintenance,
674 relocation, or replacement of solar panels for potable solar
675 water heating systems, swimming pool solar heating systems, and
676 photovoltaic systems and any appurtenances, apparatus, or
677 equipment used in connection therewith, whether public, private,
678 or otherwise, regardless of use. A contractor, certified or
679 registered pursuant to this chapter, is not required to become a
680 certified or registered solar contractor or to contract with a
681 solar contractor in order to provide services enumerated in this
682 paragraph that are within the scope of the services such
683 contractors may render under this part.

684 (p) "Pollutant storage systems contractor" means a
685 contractor whose services are limited to, and who has the
686 experience, knowledge, and skill to install, maintain, repair,
687 alter, extend, or design, if not prohibited by law, and use
688 materials and items used in the installation, maintenance,
689 extension, and alteration of, pollutant storage tanks. Any
690 person installing a pollutant storage tank shall perform such
691 installation in accordance with the standards adopted pursuant
692 to s. 376.303.

693 (q) "Glass and glazing contractor" means a contractor whose
694 services are unlimited in the execution of contracts requiring
695 the experience, knowledge, and skill to install, attach,
696 maintain, repair, fabricate, alter, extend, or design, in

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697 residential and commercial applications without any height
698 restrictions, all types of windows, glass, and mirrors, whether
699 fixed or movable; swinging or sliding glass doors attached to
700 existing walls, floors, columns, or other structural members of
701 the building; glass holding or supporting mullions or horizontal
702 bars; structurally anchored impact-resistant opening protection
703 attached to existing building walls, floors, columns, or other
704 structural members of the building; prefabricated glass, metal,
705 or plastic curtain walls; storefront frames or panels; shower
706 and tub enclosures; metal fascias; and caulking incidental to
707 such work and assembly.

708 (r) "Specialty contractor" means a contractor whose scope
709 of work and responsibility is limited to a particular phase of
710 construction established in a category adopted by board rule and
711 whose scope is limited to a subset of the activities described
712 in one of the paragraphs of this subsection.

713 (6) "Contracting" means, except as exempted in this part,
714 engaging in business as a contractor and includes, but is not
715 limited to, performance of any of the acts as set forth in
716 subsection (3) which define types of contractors. The attempted
717 sale of contracting services and the negotiation or bid for a
718 contract on these services also constitutes contracting. If the
719 services offered require licensure or agent qualification, the
720 offering, negotiation for a bid, or attempted sale of these
721 services requires the corresponding licensure. However, the term
722 "contracting" shall not extend to an individual, partnership,
723 corporation, trust, or other legal entity that offers to sell or
724 sells completed residences on property on which the individual
725 or business entity has any legal or equitable interest, or to

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726 the individual or business entity that offers to sell or sells
727 manufactured or factory-built buildings that will be completed
728 on site on property on which either party to a contract has any
729 legal or equitable interest, if the services of a qualified
730 contractor certified or registered pursuant to the requirements
731 of this chapter have been or will be retained for the purpose of
732 constructing or completing such residences.

733 Section 6. The amendments to s. 489.105(6), Florida
734 Statutes, as enacted by s. 30 of chapter 2008-240, Laws of
735 Florida, were intended to protect the sanctity of contracts for
736 the sale of manufactured or factory-built buildings that will be
737 completed on site and to ensure that those contracts are legal
738 and enforceable contracts under state law. The amendments were
739 intended to be remedial in nature, clarify existing law, and
740 apply retroactively to any contract for the sale of manufactured
741 or factory-built buildings that will be completed on site and
742 otherwise comply with state law.

743 Section 7. Paragraph (c) of subsection (5) of section
744 489.127, Florida Statutes, is amended to read:

745 489.127 Prohibitions; penalties.—

746 (5) Each county or municipality may, at its option,
747 designate one or more of its code enforcement officers, as
748 defined in chapter 162, to enforce, as set out in this
749 subsection, the provisions of subsection (1) and s. 489.132(1)
750 against persons who engage in activity for which a county or
751 municipal certificate of competency or license or state
752 certification or registration is required.

753 (c) The local governing body of the county or municipality
754 is authorized to enforce codes and ordinances against unlicensed

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755 contractors under the provisions of this subsection and may
756 enact an ordinance establishing procedures for implementing this
757 subsection, including a schedule of penalties to be assessed by
758 the code enforcement officer. The maximum civil penalty which
759 may be levied shall not exceed \$2,000 ~~\$500~~. Moneys collected
760 pursuant to this subsection shall be retained locally, as
761 provided for by local ordinance, and may be set aside in a
762 specific fund to support future enforcement activities against
763 unlicensed contractors.

764 Section 8. Paragraph (c) of subsection (4) of section
765 489.531, Florida Statutes, is amended to read:

766 489.531 Prohibitions; penalties.—

767 (4) Each county or municipality may, at its option,
768 designate one or more of its code enforcement officers, as
769 defined in chapter 162, to enforce, as set out in this
770 subsection, the provisions of subsection (1) against persons who
771 engage in activity for which county or municipal certification
772 is required.

773 (c) The local governing body of the county or municipality
774 is authorized to enforce codes and ordinances against unlicensed
775 contractors under the provisions of this section and may enact
776 an ordinance establishing procedures for implementing this
777 section, including a schedule of penalties to be assessed by the
778 code enforcement officers. The maximum civil penalty which may
779 be levied shall not exceed \$2,000 ~~\$500~~. Moneys collected
780 pursuant to this section shall be retained locally as provided
781 for by local ordinance and may be set aside in a specific fund
782 to support future enforcement activities against unlicensed
783 contractors.

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784 Section 9. Section 553.721, Florida Statutes, is amended to
785 read:

786 553.721 Surcharge.—In order for the Department of Business
787 and Professional Regulation to administer and carry out the
788 purposes of this part and related activities, there is ~~hereby~~
789 created a surcharge, to be assessed at the rate of 1.5 percent
790 of the permit fees associated with enforcement of the Florida
791 Building Code as defined by the uniform account criteria and
792 specifically the uniform account code for building permits
793 adopted for local government financial reporting pursuant to s.
794 218.32. The minimum amount collected on any permit issued shall
795 be \$2. The unit of government responsible for collecting a
796 permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect
797 the such surcharge and electronically remit the funds collected
798 to the department on a quarterly calendar basis ~~beginning not~~
799 ~~later than December 31, 2010,~~ for the preceding quarter, and
800 continuing each third month thereafter. ~~The, and such~~ unit of
801 government shall retain 10 percent of the surcharge collected to
802 fund the participation of building departments in the national
803 and state building code adoption processes and to provide
804 education related to enforcement of the Florida Building Code.
805 All funds remitted to the department pursuant to this section
806 shall be deposited in the Professional Regulation Trust Fund.
807 Funds collected from the such surcharge shall be allocated to
808 fund used exclusively for the duties of the Florida Building
809 Commission and the Florida Building Code Compliance and
810 Mitigation Program under s. 553.841. Funds allocated to the
811 Florida Building Code Compliance and Mitigation Program shall be
812 \$925,000 each fiscal year. The funds collected from the

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813 surcharge may and the Department of Business and Professional
814 ~~Regulation under this chapter and shall~~ not be used to fund
815 research on techniques for mitigation of radon in existing
816 buildings. Funds used by the department as well as funds to be
817 transferred to the Department of Health shall be as prescribed
818 in the annual General Appropriations Act. The department shall
819 adopt rules governing the collection and remittance of
820 surcharges pursuant to ~~in accordance with~~ chapter 120.

821 Section 10. Subsection (10) of section 553.73, Florida
822 Statutes, is amended, and subsection (18) is added to that
823 section, to read:

824 553.73 Florida Building Code.—

825 (10) The following buildings, structures, and facilities
826 are exempt from the Florida Building Code as provided by law,
827 and any further exemptions shall be as determined by the
828 Legislature and provided by law:

829 (a) Buildings and structures specifically regulated and
830 preempted by the Federal Government.

831 (b) Railroads and ancillary facilities associated with the
832 railroad.

833 (c) Nonresidential farm buildings on farms.

834 (d) Temporary buildings or sheds used exclusively for
835 construction purposes.

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

840 (f) Those structures or facilities of electric utilities,
841 as defined in s. 366.02, which are directly involved in the

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842 generation, transmission, or distribution of electricity.

843 (g) Temporary sets, assemblies, or structures used in
844 commercial motion picture or television production, or any
845 sound-recording equipment used in such production, on or off the
846 premises.

847 (h) Storage sheds that are not designed for human
848 habitation and that have a floor area of 720 square feet or less
849 are not required to comply with the mandatory wind-borne-debris-
850 impact standards of the Florida Building Code. In addition, such
851 buildings that are 400 square feet or less and that are intended
852 for use in conjunction with one- and two-family residences are
853 not subject to the door height and width requirements of the
854 Florida Building Code.

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

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

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

870 1. Is not rented or leased or used as a principal

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871 residence;

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

875 3. Is not connected to an off-site electric power or water
876 supply.

877

878 With the exception of paragraphs (a), (b), (c), and (f), in
879 order to preserve the health, safety, and welfare of the public,
880 the Florida Building Commission may, by rule adopted pursuant to
881 chapter 120, provide for exceptions to the broad categories of
882 buildings exempted in this section, including exceptions for
883 application of specific sections of the code or standards
884 adopted therein. The Department of Agriculture and Consumer
885 Services shall have exclusive authority to adopt by rule,
886 pursuant to chapter 120, exceptions to nonresidential farm
887 buildings exempted in paragraph (c) when reasonably necessary to
888 preserve public health, safety, and welfare. The exceptions must
889 be based upon specific criteria, such as under-roof floor area,
890 aggregate electrical service capacity, HVAC system capacity, or
891 other building requirements. Further, the commission may
892 recommend to the Legislature additional categories of buildings,
893 structures, or facilities which should be exempted from the
894 Florida Building Code, to be provided by law. The Florida
895 Building Code does not apply to temporary housing provided by
896 the Department of Corrections to any prisoner in the state
897 correctional system.

898 (18) The Florida Building Commission shall adopt by rule a
899 method of alternative screen enclosure design that requires the

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900 removal of a section of the screen in order to accommodate wind
901 resistance and keep the screen enclosure intact. The rules for
902 an alternative screen enclosure design must require that the
903 contractor provide notice to the homeowner and local building
904 department that the homeowner must cut, retract, or remove a
905 panel of the screen from the enclosure in accordance with
906 engineering instructions when wind speeds are expected to exceed
907 75 miles per hour and that the contractor will provide a
908 replacement screen at the initial point of sale to repair the
909 screen enclosure for designs that require cutting. The Florida
910 Building Commission shall adopt the method before October 1,
911 2012, and incorporate the requirements into the next version of
912 the Florida Building Code. This subsection expires upon adoption
913 and implementation of the requirements of this subsection into
914 the Florida Building Code.

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