



453686

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/16/2013	.	
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The Committee on Community Affairs (Simpson) recommended the following:

Senate Amendment (with title amendment)

Between lines 12 and 13
insert:

Section 1. Section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

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

(a) Certified mail, return receipt requested, to the address listed in the tax collector's office for tax notices, or to the address listed in the county property appraiser's



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13 database. The local government may also provide an additional
14 notice to any other address it may find for ~~provided by the~~
15 ~~property owner in writing to the local government for the~~
16 ~~purpose of receiving notices.~~ For property owned by a
17 corporation, notices may be provided by certified mail to the
18 registered agent of the corporation. If any notice sent by
19 certified mail is not signed as received within 30 days after
20 the postmarked date of mailing, notice may be provided by
21 posting as described in subparagraphs (2) (b)1. and 2.;

22 (b) Hand delivery by the sheriff or other law enforcement
23 officer, code inspector, or other person designated by the local
24 governing body;

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

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

31 (2) In addition to providing notice as set forth in
32 subsection (1), at the option of the code enforcement board or
33 the local government, notice may ~~also~~ be served by publication
34 or posting, as follows:

35 (a)1. Such notice shall be published once during each week
36 for 4 consecutive weeks (four publications being sufficient) in
37 a newspaper of general circulation in the county where the code
38 enforcement board is located. The newspaper shall meet such
39 requirements as are prescribed under chapter 50 for legal and
40 official advertisements.

41 2. Proof of publication shall be made as provided in ss.



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42 50.041 and 50.051.

43 (b)1. In lieu of publication as described in paragraph (a),
44 such notice may be posted at least 10 days prior to the hearing,
45 or prior to the expiration of any deadline contained in the
46 notice, in at least two locations, one of which shall be the
47 property upon which the violation is alleged to exist and the
48 other of which shall be, in the case of municipalities, at the
49 primary municipal government office, and in the case of
50 counties, at the front door of the courthouse or the main county
51 governmental center in said county.

52 2. Proof of posting shall be by affidavit of the person
53 posting the notice, which affidavit shall include a copy of the
54 notice posted and the date and places of its posting.

55 (c) Notice by publication or posting may run concurrently
56 with, or may follow, an attempt or attempts to provide notice by
57 hand delivery or by mail as required under subsection (1).

58

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

65 Section 2. Paragraph (aa) of subsection (4) of section
66 381.0065, Florida Statutes, is amended to read:

67 381.0065 Onsite sewage treatment and disposal systems;
68 regulation.—

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



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



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

124 (aa) An existing-system inspection or evaluation and
125 assessment, or a modification, replacement, or upgrade of an
126 onsite sewage treatment and disposal system is not required for
127 a remodeling addition or modification to a single-family home if
128 a bedroom is not added. However, a remodeling addition or



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129 modification to a single-family home may not cover any part of
130 the existing system or encroach upon a required setback or the
131 unobstructed area. To determine if a setback or the unobstructed
132 area is impacted, the local health department shall review and
133 verify a floor plan and site plan of the proposed remodeling
134 addition or modification to the home submitted by a remodeler
135 which shows the location of the system, including the distance
136 of the remodeling addition or modification to the home from the
137 onsite sewage treatment and disposal system. The local health
138 department may visit the site or otherwise determine the best
139 means of verifying the information submitted. A verification of
140 the location of a system is not an inspection or evaluation and
141 assessment of the system. The review and verification must be
142 completed within 7 business days after receipt by the local
143 health department of a floor plan and site plan. If the review
144 and verification is not completed within such time, the
145 remodeling addition or modification to the single-family home,
146 for the purposes of this paragraph, is approved.

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

149 489.105 Definitions.—As used in this part:

150 (3) "Contractor" means the person who is qualified for, and
151 is only responsible for, the project contracted for and means,
152 except as exempted in this part, the person who, for
153 compensation, undertakes to, submits a bid to, or does himself
154 or herself or by others construct, repair, alter, remodel, add
155 to, demolish, subtract from, or improve any building or
156 structure, including related improvements to real estate, for
157 others or for resale to others; and whose job scope is



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158 substantially similar to the job scope described in one of the
159 paragraphs of this subsection. For the purposes of regulation
160 under this part, the term "demolish" applies only to demolition
161 of steel tanks more than 50 feet in height; towers more than 50
162 feet in height; other structures more than 50 feet in height,
163 other than buildings or residences more than three stories tall;
164 and ~~all~~ buildings or residences more than three stories tall.
165 Contractors are subdivided into two divisions, Division I,
166 consisting of those contractors defined in paragraphs (a)-(c),
167 and Division II, consisting of those contractors defined in
168 paragraphs (d)-(q):

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

174 (b) "Building contractor" means a contractor whose services
175 are limited to construction of commercial buildings and single-
176 dwelling or multiple-dwelling residential buildings, which do
177 not exceed three stories in height, and accessory use structures
178 in connection therewith or a contractor whose services are
179 limited to remodeling, repair, or improvement of any size
180 building if the services do not affect the structural members of
181 the building.

182 (c) "Residential contractor" means a contractor whose
183 services are limited to construction, remodeling, repair, or
184 improvement of one-family, two-family, or three-family
185 residences not exceeding two habitable stories above no more
186 than one uninhabitable story and accessory use structures in



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187 connection therewith.

188 (d) "Sheet metal contractor" means a contractor whose
189 services are unlimited in the sheet metal trade and who has the
190 experience, knowledge, and skill necessary for the manufacture,
191 fabrication, assembling, handling, erection, installation,
192 dismantling, conditioning, adjustment, insulation, alteration,
193 repair, servicing, or design, if not prohibited by law, of
194 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
195 equivalent or lighter gauge and of other materials, including,
196 but not limited to, fiberglass, used in lieu thereof and of air-
197 handling systems, including the setting of air-handling
198 equipment and reinforcement of same, the balancing of air-
199 handling systems, and any duct cleaning and equipment sanitizing
200 that requires at least a partial disassembling of the system.

201 (e) "Roofing contractor" means a contractor whose services
202 are unlimited in the roofing trade and who has the experience,
203 knowledge, and skill to install, maintain, repair, alter,
204 extend, or design, if not prohibited by law, and use materials
205 and items used in the installation, maintenance, extension, and
206 alteration of all kinds of roofing, waterproofing, and coating,
207 except when coating is not represented to protect, repair,
208 waterproof, stop leaks, or extend the life of the roof. The
209 scope of work of a roofing contractor also includes skylights
210 and any related work, required roof-deck attachments, and any
211 repair or replacement of wood roof sheathing or fascia as needed
212 during roof repair or replacement and any related work.

213 (f) "Class A air-conditioning contractor" means a
214 contractor whose services are unlimited in the execution of
215 contracts requiring the experience, knowledge, and skill to



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216 install, maintain, repair, fabricate, alter, extend, or design,
217 if not prohibited by law, central air-conditioning,
218 refrigeration, heating, and ventilating systems, including duct
219 work in connection with a complete system if such duct work is
220 performed by the contractor as necessary to complete an air-
221 distribution system, boiler and unfired pressure vessel systems,
222 and all appurtenances, apparatus, or equipment used in
223 connection therewith, and any duct cleaning and equipment
224 sanitizing that requires at least a partial disassembling of the
225 system; to install, maintain, repair, fabricate, alter, extend,
226 or design, if not prohibited by law, piping, insulation of
227 pipes, vessels and ducts, pressure and process piping, and
228 pneumatic control piping; to replace, disconnect, or reconnect
229 power wiring on the load side of the dedicated existing
230 electrical disconnect switch; to install, disconnect, and
231 reconnect low voltage heating, ventilating, and air-conditioning
232 control wiring; and to install a condensate drain from an air-
233 conditioning unit to an existing safe waste or other approved
234 disposal other than a direct connection to a sanitary system.
235 The scope of work for such contractor also includes any
236 excavation work incidental thereto, but does not include any
237 work such as liquefied petroleum or natural gas fuel lines
238 within buildings, except for disconnecting or reconnecting
239 changeouts of liquefied petroleum or natural gas appliances
240 within buildings; potable water lines or connections thereto;
241 sanitary sewer lines; swimming pool piping and filters; or
242 electrical power wiring. A Class A air-conditioning contractor
243 may test and evaluate central air-conditioning, refrigeration,
244 heating, and ventilating systems, including duct work; however,



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245 a mandatory licensing requirement is not established for the
246 performance of these specific services.

247 (g) "Class B air-conditioning contractor" means a
248 contractor whose services are limited to 25 tons of cooling and
249 500,000 Btu of heating in any one system in the execution of
250 contracts requiring the experience, knowledge, and skill to
251 install, maintain, repair, fabricate, alter, extend, or design,
252 if not prohibited by law, central air-conditioning,
253 refrigeration, heating, and ventilating systems, including duct
254 work in connection with a complete system only to the extent
255 such duct work is performed by the contractor as necessary to
256 complete an air-distribution system being installed under this
257 classification, and any duct cleaning and equipment sanitizing
258 that requires at least a partial disassembling of the system; to
259 install, maintain, repair, fabricate, alter, extend, or design,
260 if not prohibited by law, piping and insulation of pipes,
261 vessels, and ducts; to replace, disconnect, or reconnect power
262 wiring on the load side of the dedicated existing electrical
263 disconnect switch; to install, disconnect, and reconnect low
264 voltage heating, ventilating, and air-conditioning control
265 wiring; and to install a condensate drain from an air-
266 conditioning unit to an existing safe waste or other approved
267 disposal other than a direct connection to a sanitary system.
268 The scope of work for such contractor also includes any
269 excavation work incidental thereto, but does not include any
270 work such as liquefied petroleum or natural gas fuel lines
271 within buildings, except for disconnecting or reconnecting
272 changeouts of liquefied petroleum or natural gas appliances
273 within buildings; potable water lines or connections thereto;



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274 sanitary sewer lines; swimming pool piping and filters; or
275 electrical power wiring. A Class B air-conditioning contractor
276 may test and evaluate central air-conditioning, refrigeration,
277 heating, and ventilating systems, including duct work; however,
278 a mandatory licensing requirement is not established for the
279 performance of these specific services.

280 (h) "Class C air-conditioning contractor" means a
281 contractor whose business is limited to the servicing of air-
282 conditioning, heating, or refrigeration systems, including any
283 duct cleaning and equipment sanitizing that requires at least a
284 partial disassembling of the system, and whose certification or
285 registration, issued pursuant to this part, was valid on October
286 1, 1988. Only a person who was registered or certified as a
287 Class C air-conditioning contractor as of October 1, 1988, shall
288 be so registered or certified after October 1, 1988. However,
289 the board shall continue to license and regulate those Class C
290 air-conditioning contractors who held Class C licenses before
291 October 1, 1988.

292 (i) "Mechanical contractor" means a contractor whose
293 services are unlimited in the execution of contracts requiring
294 the experience, knowledge, and skill to install, maintain,
295 repair, fabricate, alter, extend, or design, if not prohibited
296 by law, central air-conditioning, refrigeration, heating, and
297 ventilating systems, including duct work in connection with a
298 complete system if such duct work is performed by the contractor
299 as necessary to complete an air-distribution system, boiler and
300 unfired pressure vessel systems, lift station equipment and
301 piping, and all appurtenances, apparatus, or equipment used in
302 connection therewith, and any duct cleaning and equipment



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303 sanitizing that requires at least a partial disassembling of the
304 system; to install, maintain, repair, fabricate, alter, extend,
305 or design, if not prohibited by law, piping, insulation of
306 pipes, vessels and ducts, pressure and process piping, pneumatic
307 control piping, gasoline tanks and pump installations and piping
308 for same, standpipes, air piping, vacuum line piping, oxygen
309 lines, nitrous oxide piping, ink and chemical lines, fuel
310 transmission lines, liquefied petroleum gas lines within
311 buildings, and natural gas fuel lines within buildings; to
312 replace, disconnect, or reconnect power wiring on the load side
313 of the dedicated existing electrical disconnect switch; to
314 install, disconnect, and reconnect low voltage heating,
315 ventilating, and air-conditioning control wiring; and to install
316 a condensate drain from an air-conditioning unit to an existing
317 safe waste or other approved disposal other than a direct
318 connection to a sanitary system. The scope of work for such
319 contractor also includes any excavation work incidental thereto,
320 but does not include any work such as potable water lines or
321 connections thereto, sanitary sewer lines, swimming pool piping
322 and filters, or electrical power wiring. A mechanical contractor
323 may test and evaluate central air-conditioning, refrigeration,
324 heating, and ventilating systems, including duct work; however,
325 a mandatory licensing requirement is not established for the
326 performance of these specific services.

327 (j) "Commercial pool/spa contractor" means a contractor
328 whose scope of work involves, but is not limited to, the
329 construction, repair, and servicing of any swimming pool, or hot
330 tub or spa, whether public, private, or otherwise, regardless of
331 use. The scope of work includes the installation, repair, or



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332 replacement of existing equipment, any cleaning or equipment
333 sanitizing that requires at least a partial disassembling,
334 excluding filter changes, and the installation of new pool/spa
335 equipment, interior finishes, the installation of package pool
336 heaters, the installation of all perimeter piping and filter
337 piping, and the construction of equipment rooms or housing for
338 pool/spa equipment, and also includes the scope of work of a
339 swimming pool/spa servicing contractor. The scope of such work
340 does not include direct connections to a sanitary sewer system
341 or to potable water lines. The installation, construction,
342 modification, or replacement of equipment permanently attached
343 to and associated with the pool or spa for the purpose of water
344 treatment or cleaning of the pool or spa requires licensure;
345 however, the usage of such equipment for the purposes of water
346 treatment or cleaning does not require licensure unless the
347 usage involves construction, modification, or replacement of
348 such equipment. Water treatment that does not require such
349 equipment does not require a license. In addition, a license is
350 not required for the cleaning of the pool or spa in a way that
351 does not affect the structural integrity of the pool or spa or
352 its associated equipment.

353 (k) "Residential pool/spa contractor" means a contractor
354 whose scope of work involves, but is not limited to, the
355 construction, repair, and servicing of a residential swimming
356 pool, or hot tub or spa, regardless of use. The scope of work
357 includes the installation, repair, or replacement of existing
358 equipment, any cleaning or equipment sanitizing that requires at
359 least a partial disassembling, excluding filter changes, and the
360 installation of new pool/spa equipment, interior finishes, the



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361 installation of package pool heaters, the installation of all
362 perimeter piping and filter piping, and the construction of
363 equipment rooms or housing for pool/spa equipment, and also
364 includes the scope of work of a swimming pool/spa servicing
365 contractor. The scope of such work does not include direct
366 connections to a sanitary sewer system or to potable water
367 lines. The installation, construction, modification, or
368 replacement of equipment permanently attached to and associated
369 with the pool or spa for the purpose of water treatment or
370 cleaning of the pool or spa requires licensure; however, the
371 usage of such equipment for the purposes of water treatment or
372 cleaning does not require licensure unless the usage involves
373 construction, modification, or replacement of such equipment.
374 Water treatment that does not require such equipment does not
375 require a license. In addition, a license is not required for
376 the cleaning of the pool or spa in a way that does not affect
377 the structural integrity of the pool or spa or its associated
378 equipment.

379 (1) "Swimming pool/spa servicing contractor" means a
380 contractor whose scope of work involves, but is not limited to,
381 the repair and servicing of a swimming pool, or hot tub or spa,
382 whether public or private, or otherwise, regardless of use. The
383 scope of work includes the repair or replacement of existing
384 equipment, any cleaning or equipment sanitizing that requires at
385 least a partial disassembling, excluding filter changes, and the
386 installation of new pool/spa equipment, interior refinishing,
387 the reinstallation or addition of pool heaters, the repair or
388 replacement of all perimeter piping and filter piping, the
389 repair of equipment rooms or housing for pool/spa equipment, and



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390 the substantial or complete draining of a swimming pool, or hot
391 tub or spa, for the purpose of repair or renovation. The scope
392 of such work does not include direct connections to a sanitary
393 sewer system or to potable water lines. The installation,
394 construction, modification, substantial or complete disassembly,
395 or replacement of equipment permanently attached to and
396 associated with the pool or spa for the purpose of water
397 treatment or cleaning of the pool or spa requires licensure;
398 however, the usage of such equipment for the purposes of water
399 treatment or cleaning does not require licensure unless the
400 usage involves construction, modification, substantial or
401 complete disassembly, or replacement of such equipment. Water
402 treatment that does not require such equipment does not require
403 a license. In addition, a license is not required for the
404 cleaning of the pool or spa in a way that does not affect the
405 structural integrity of the pool or spa or its associated
406 equipment.

407 (m) "Plumbing contractor" means a contractor whose services
408 are unlimited in the plumbing trade and includes contracting
409 business consisting of the execution of contracts requiring the
410 experience, financial means, knowledge, and skill to install,
411 maintain, repair, alter, extend, or, if not prohibited by law,
412 design plumbing. A plumbing contractor may install, maintain,
413 repair, alter, extend, or, if not prohibited by law, design the
414 following without obtaining an additional local regulatory
415 license, certificate, or registration: sanitary drainage or
416 storm drainage facilities, water and sewer plants and
417 substations, venting systems, public or private water supply
418 systems, septic tanks, drainage and supply wells, swimming pool



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419 piping, irrigation systems, and solar heating water systems and
420 all appurtenances, apparatus, or equipment used in connection
421 therewith, including boilers and pressure process piping and
422 including the installation of water, natural gas, liquefied
423 petroleum gas and related venting, and storm and sanitary sewer
424 lines. The scope of work of the plumbing contractor also
425 includes the design, if not prohibited by law, and installation,
426 maintenance, repair, alteration, or extension of air-piping,
427 vacuum line piping, oxygen line piping, nitrous oxide piping,
428 and all related medical gas systems; fire line standpipes and
429 fire sprinklers if authorized by law; ink and chemical lines;
430 fuel oil and gasoline piping and tank and pump installation,
431 except bulk storage plants; and pneumatic control piping
432 systems, all in a manner that complies with all plans,
433 specifications, codes, laws, and regulations applicable. The
434 scope of work of the plumbing contractor applies to private
435 property and public property, including any excavation work
436 incidental thereto, and includes the work of the specialty
437 plumbing contractor. Such contractor shall subcontract, with a
438 qualified contractor in the field concerned, all other work
439 incidental to the work but which is specified as being the work
440 of a trade other than that of a plumbing contractor. This
441 definition does not limit the scope of work of any specialty
442 contractor certified pursuant to s. 489.113(6), and does not
443 require certification or registration under this part of any
444 authorized employee of a public natural gas utility or of a
445 private natural gas utility regulated by the Public Service
446 Commission when disconnecting and reconnecting water lines in
447 the servicing or replacement of an existing water heater. A



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448 plumbing contractor may perform drain cleaning and clearing and
449 install or repair rainwater catchment systems; however, a
450 mandatory licensing requirement is not established for the
451 performance of these specific services.

452 (n) "Underground utility and excavation contractor" means a
453 contractor whose services are limited to the construction,
454 installation, and repair, on public or private property, whether
455 accomplished through open excavations or through other means,
456 including, but not limited to, directional drilling, auger
457 boring, jacking and boring, trenchless technologies, wet and dry
458 taps, grouting, and slip lining, of main sanitary sewer
459 collection systems, main water distribution systems, storm sewer
460 collection systems, and the continuation of utility lines from
461 the main systems to a point of termination up to and including
462 the meter location for the individual occupancy, sewer
463 collection systems at property line on residential or single-
464 occupancy commercial properties, or on multioccupancy properties
465 at manhole or wye lateral extended to an invert elevation as
466 engineered to accommodate future building sewers, water
467 distribution systems, or storm sewer collection systems at storm
468 sewer structures. However, an underground utility and excavation
469 contractor may install empty underground conduits in rights-of-
470 way, easements, platted rights-of-way in new site development,
471 and sleeves for parking lot crossings no smaller than 2 inches
472 in diameter if each conduit system installed is designed by a
473 licensed professional engineer or an authorized employee of a
474 municipality, county, or public utility and the installation of
475 such conduit does not include installation of any conductor
476 wiring or connection to an energized electrical system. An



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

481 (o) "Solar contractor" means a contractor whose services
482 consist of the installation, alteration, repair, maintenance,
483 relocation, or replacement of solar panels for potable solar
484 water heating systems, swimming pool solar heating systems, and
485 photovoltaic systems and any appurtenances, apparatus, or
486 equipment used in connection therewith, whether public, private,
487 or otherwise, regardless of use. A contractor, certified or
488 registered pursuant to this chapter, is not required to become a
489 certified or registered solar contractor or to contract with a
490 solar contractor in order to provide services enumerated in this
491 paragraph that are within the scope of the services such
492 contractors may render under this part.

493 (p) "Pollutant storage systems contractor" means a
494 contractor whose services are limited to, and who has the
495 experience, knowledge, and skill to install, maintain, repair,
496 alter, extend, or design, if not prohibited by law, and use
497 materials and items used in the installation, maintenance,
498 extension, and alteration of, pollutant storage tanks. Any
499 person installing a pollutant storage tank shall perform such
500 installation in accordance with the standards adopted pursuant
501 to s. 376.303.

502 (q) "Specialty contractor" means a contractor whose scope
503 of work and responsibility is limited to a particular phase of
504 construction established in a category adopted by board rule and
505 whose scope is limited to a subset of the activities described



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506 in one of the paragraphs of this subsection.

507 Section 4. The amendments to s. 489.113(2), Florida
508 Statutes, by section 11 of chapter 2012-13, Laws of Florida, are
509 remedial in nature and intended to clarify existing law. This
510 section applies retroactively to any action initiated or pending
511 on or after March 23, 2012.

512 Section 5. Paragraphs (c) and (f) of subsection (5) and
513 subsection (6) of section 489.127, Florida Statutes, are amended
514 to read:

515 489.127 Prohibitions; penalties.-

516 (5) Each county or municipality may, at its option,
517 designate one or more of its code enforcement officers, as
518 defined in chapter 162, to enforce, as set out in this
519 subsection, the provisions of subsection (1) and s. 489.132(1)
520 against persons who engage in activity for which a county or
521 municipal certificate of competency or license or state
522 certification or registration is required.

523 (c) The local governing body of the county or municipality
524 ~~may is authorized to~~ enforce codes and ordinances against
525 unlicensed contractors under the provisions of this subsection
526 and may enact an ordinance establishing procedures for
527 implementing this subsection, including a schedule of penalties
528 to be assessed by the code enforcement officer. The maximum
529 civil penalty which may be levied ~~may shall~~ not exceed \$2,000
530 ~~\$500~~. Moneys collected pursuant to this subsection shall be
531 retained locally, as provided for by local ordinance, and may be
532 set aside in a specific fund to support future enforcement
533 activities against unlicensed contractors.

534 (f) If the enforcement or licensing board or designated



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535 special magistrate finds that a violation exists, the
536 enforcement or licensing board or designated special magistrate
537 may order the violator to pay a civil penalty of not less than
538 the amount set forth on the citation but not more than \$1,500
539 ~~\$1,000~~ per day for each violation. In determining the amount of
540 the penalty, the enforcement or licensing board or designated
541 special magistrate shall consider the following factors:

542 1. The gravity of the violation.

543 2. Any actions taken by the violator to correct the
544 violation.

545 3. Any previous violations committed by the violator.

546 (6) Local building departments may collect outstanding
547 fines against registered or certified contractors issued by the
548 Construction Industry Licensing Board and may retain 75 ~~25~~
549 percent of the fines they are able to collect, provided that
550 they transmit 25 ~~75~~ percent of the fines they are able to
551 collect to the department according to a procedure to be
552 determined by the department.

553 Section 6. Paragraph (a) of subsection (7) of section
554 489.131, Florida Statutes, is amended to read:

555 489.131 Applicability.—

556 (7) (a) It is the policy of the state that the purpose of
557 regulation is to protect the public by attaining compliance with
558 the policies established in law. Fines and other penalties are
559 provided in order to ensure compliance; ~~however, the collection~~
560 ~~of fines and the imposition of penalties are intended to be~~
561 ~~secondary to the primary goal of attaining compliance with state~~
562 ~~laws and local jurisdiction ordinances. It is the intent of the~~
563 ~~Legislature that a local jurisdiction agency charged with~~



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564 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
565 ~~as its first response to a minor violation of a regulatory law~~
566 ~~in any instance in which it is reasonable to assume that the~~
567 ~~violator was unaware of such a law or unclear as to how to~~
568 ~~comply with it. A violation of a regulatory law is a "minor~~
569 ~~violation" if it does not result in economic or physical harm to~~
570 ~~a person or adversely affect the public health, safety, or~~
571 ~~welfare or create a significant threat of such harm. A "notice~~
572 ~~of noncompliance" is a notification by the local jurisdiction~~
573 ~~agency charged with enforcing the ordinance, which is issued to~~
574 ~~the licensee that is subject to the ordinance. A notice of~~
575 ~~noncompliance should not be accompanied with a fine or other~~
576 ~~disciplinary penalty. It should identify the specific ordinance~~
577 ~~that is being violated, provide information on how to comply~~
578 ~~with the ordinance, and specify a reasonable time for the~~
579 ~~violator to comply with the ordinance. Failure of a licensee to~~
580 ~~take action correcting the violation within a set period of time~~
581 ~~would then result in the institution of further disciplinary~~
582 ~~proceedings.~~

583 Section 7. Section 489.514, Florida Statutes, is amended to
584 read:

585 489.514 Certification for registered contractors;
586 grandfathering provisions.—

587 (1) The board shall, upon receipt of a completed
588 application, appropriate fee, and proof of compliance with the
589 provisions of this section, issue:

590 (a) To an applying registered electrical contractor, a
591 certificate as an electrical contractor, as defined in s.
592 489.505(12); ~~or~~



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593 (b) To an applying registered alarm system contractor, a
594 certificate in the matching alarm system contractor category, as
595 defined in s. 489.505(2) (a) or (b); or

596 (c) To an applying registered electrical specialty
597 contractor, a certificate in the matching electrical specialty
598 contractor category, as defined in s. 489.505(19).

599 (2) Any contractor registered under this part who makes
600 application under this section to the board shall meet each of
601 the following requirements for certification:

602 (a) Currently holds a valid registered local license in the
603 category of electrical contractor, alarm system contractor, or
604 electrical specialty contractor.

605 (b) Has, for that category, passed a written, proctored
606 examination that the board finds to be substantially similar to
607 the examination required to be licensed as a certified
608 contractor under this part. For purposes of this subsection, a
609 written, proctored examination such as that produced by the
610 National Assessment Institute, Block and Associates, NAI/Block,
611 Experior Assessments, Professional Testing, Inc., or Assessment
612 Systems, Inc., shall be considered to be substantially similar
613 to the examination required to be licensed as a certified
614 contractor. The board may not impose or make any requirements
615 regarding the nature or content of these cited examinations.

616 (c) Has at least 5 years of experience as a contractor in
617 that contracting category, or as an inspector or building
618 administrator with oversight over that category, at the time of
619 application. For contractors, only time periods in which the
620 contractor license is active and the contractor is not on
621 probation ~~shall~~ count toward the 5 years required under this



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622 subsection.

623 (d) Has not had his or her contractor's license revoked at
624 any time, had his or her contractor's license suspended in the
625 last 5 years, or been assessed a fine in excess of \$500 in the
626 last 5 years.

627 (e) Is in compliance with the insurance and financial
628 responsibility requirements in s. 489.515(1)(b).

629 (3) An applicant must make application by November 1, 2015
630 ~~2004~~, to be licensed pursuant to this section.

631 Section 8. Paragraph (c) of subsection (4) of section
632 489.531, Florida Statutes, is amended to read:

633 489.531 Prohibitions; penalties.—

634 (4) Each county or municipality may, at its option,
635 designate one or more of its code enforcement officers, as
636 defined in chapter 162, to enforce, as set out in this
637 subsection, the provisions of subsection (1) against persons who
638 engage in activity for which county or municipal certification
639 is required.

640 (c) The local governing body of the county or municipality
641 ~~may is authorized to~~ enforce codes and ordinances against
642 unlicensed contractors under the provisions of this section and
643 may enact an ordinance establishing procedures for implementing
644 this section, including a schedule of penalties to be assessed
645 by the code enforcement officers. The maximum civil penalty
646 which may be levied ~~may shall~~ not exceed \$2,000 ~~\$500~~. Moneys
647 collected pursuant to this section shall be retained locally as
648 provided for by local ordinance and may be set aside in a
649 specific fund to support future enforcement activities against
650 unlicensed contractors.



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651 Section 9. Subsection (17) of section 553.73, Florida
652 Statutes, is amended to read:

653 553.73 Florida Building Code.—

654 (17) A provision ~~The provisions of section R313 of the most~~
655 ~~current version~~ of the International Residential Code relating
656 to mandated fire sprinklers may not be incorporated into the
657 Florida Building Code as adopted by the Florida Building
658 Commission and may not be adopted as a local amendment to the
659 Florida Building Code. This subsection does not prohibit the
660 application of cost-saving incentives for residential fire
661 sprinklers that are authorized in the International Residential
662 Code upon a mutual agreement between the builder and the code
663 official. This subsection does not apply to a local government
664 that has a lawfully adopted ordinance relating to fire
665 sprinklers which has been in effect since January 1, 2010.

666 Section 10. Subsection (1) of section 553.74, Florida
667 Statutes, is amended to read:

668 553.74 Florida Building Commission.—

669 (1) The Florida Building Commission is created and located
670 within the Department of Business and Professional Regulation
671 for administrative purposes. Members are ~~shall be~~ appointed by
672 the Governor subject to confirmation by the Senate. The
673 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of
674 the following:

675 (a) One architect registered to practice in this state and
676 actively engaged in the profession. The American Institute of
677 Architects, Florida Section, is encouraged to recommend a list
678 of candidates for consideration.

679 (b) One structural engineer registered to practice in this



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680 state and actively engaged in the profession. The Florida
681 Engineering Society is encouraged to recommend a list of
682 candidates for consideration.

683 (c) One air-conditioning or mechanical contractor certified
684 to do business in this state and actively engaged in the
685 profession. The Florida Air Conditioning Contractors
686 Association, the Florida Refrigeration and Air Conditioning
687 Contractors Association, and the Mechanical Contractors
688 Association of Florida are encouraged to recommend a list of
689 candidates for consideration.

690 (d) One electrical contractor certified to do business in
691 this state and actively engaged in the profession. The Florida
692 Electrical Contractors Association and the National Electrical
693 Contractors Association, Florida Chapter, are encouraged to
694 recommend a list of candidates for consideration.

695 (e) One member from fire protection engineering or
696 technology who is actively engaged in the profession. The
697 Florida Chapter of the Society of Fire Protection Engineers and
698 the Florida Fire Marshals and Inspectors Association are
699 encouraged to recommend a list of candidates for consideration.

700 (f) One general contractor certified to do business in this
701 state and actively engaged in the profession. The Associated
702 Builders and Contractors of Florida, the Florida Associated
703 General Contractors Council, and the Union Contractors
704 Association are encouraged to recommend a list of candidates for
705 consideration.

706 (g) One plumbing contractor licensed to do business in this
707 state and actively engaged in the profession. The Florida
708 Association of Plumbing, Heating, and Cooling Contractors is



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709 encouraged to recommend a list of candidates for consideration.

710 (h) One roofing or sheet metal contractor certified to do
711 business in this state and actively engaged in the profession.
712 The Florida Roofing, Sheet Metal, and Air Conditioning
713 Contractors Association and the Sheet Metal and Air Conditioning
714 Contractors National Association are encouraged to recommend a
715 list of candidates for consideration.

716 (i) One residential contractor licensed to do business in
717 this state and actively engaged in the profession. The Florida
718 Home Builders Association is encouraged to recommend a list of
719 candidates for consideration.

720 (j) Three members who are municipal or district codes
721 enforcement officials, one of whom is also a fire official. The
722 Building Officials Association of Florida and the Florida Fire
723 Marshals and Inspectors Association are encouraged to recommend
724 a list of candidates for consideration.

725 (k) One member who represents the Department of Financial
726 Services.

727 (l) One member who is a county codes enforcement official.
728 The Building Officials Association of Florida is encouraged to
729 recommend a list of candidates for consideration.

730 (m) One member of a Florida-based organization of persons
731 with disabilities or a nationally chartered organization of
732 persons with disabilities with chapters in this state.

733 (n) One member of the manufactured buildings industry who
734 is licensed to do business in this state and is actively engaged
735 in the industry. The Florida Manufactured Housing Association is
736 encouraged to recommend a list of candidates for consideration.

737 (o) One mechanical or electrical engineer registered to



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738 practice in this state and actively engaged in the profession.
739 The Florida Engineering Society is encouraged to recommend a
740 list of candidates for consideration.

741 (p) One member who is a representative of a municipality or
742 a charter county. The Florida League of Cities and the Florida
743 Association of Counties are encouraged to recommend a list of
744 candidates for consideration.

745 (q) One member of the building products manufacturing
746 industry who is authorized to do business in this state and is
747 actively engaged in the industry. The Florida Building Material
748 Association, the Florida Concrete and Products Association, and
749 the Fenestration Manufacturers Association are encouraged to
750 recommend a list of candidates for consideration.

751 (r) One member who is a representative of the building
752 owners and managers industry who is actively engaged in
753 commercial building ownership or management. The Building Owners
754 and Managers Association is encouraged to recommend a list of
755 candidates for consideration.

756 (s) One member who is a representative of the insurance
757 industry. The Florida Insurance Council is encouraged to
758 recommend a list of candidates for consideration.

759 (t) One member who is a representative of public education.

760 (u) One member who is a swimming pool contractor licensed
761 to do business in this state and actively engaged in the
762 profession. The Florida Swimming Pool Association and the United
763 Pool and Spa Association are encouraged to recommend a list of
764 candidates for consideration.

765 (v) One member who is a representative of the green
766 building industry and who is a third-party commission agent, a



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767 Florida board member of the United States Green Building Council
768 or Green Building Initiative, a professional who is accredited
769 under the International Green Construction Code (IGCC), or a
770 professional who is accredited under Leadership in Energy and
771 Environmental Design (LEED).

772 (w) One member who is a representative of a natural gas
773 distribution system and who is actively engaged in the
774 distribution of natural gas in this state. The Florida Natural
775 Gas Association is encouraged to recommend a list of candidates
776 for consideration.

777 (x)~~(w)~~ One member who shall be the chair.
778

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

783 Section 11. Subsection (18) is added to section 553.79,
784 Florida Statutes, to read:

785 553.79 Permits; applications; issuance; inspections.—

786 (18) For the purpose of inspection and record retention,
787 site plans for a building may be maintained in the form of an
788 electronic copy at the worksite. These plans must be open to
789 inspection by the building official or a duly authorized
790 representative, as required by the Florida Building Code.

791 Section 12. Paragraph (a) of subsection (5) of section
792 553.842, Florida Statutes, is amended to read:

793 553.842 Product evaluation and approval.—

794 (5) Statewide approval of products, methods, or systems of
795 construction may be achieved by one of the following methods.



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796 One of these methods must be used by the commission to approve
797 the following categories of products: panel walls, exterior
798 doors, roofing, skylights, windows, shutters, impact protective
799 systems, and structural components as established by the
800 commission by rule. A product may not be advertised, sold,
801 offered, provided, distributed, or marketed as hurricane,
802 windstorm, or impact protection from wind-borne debris from a
803 hurricane or windstorm unless it is approved pursuant to this
804 section or s. 553.8425. Any person who advertises, sells,
805 offers, provides, distributes, or markets a product as
806 hurricane, windstorm, or impact protection from wind-borne
807 debris without such approval is subject to the Florida Deceptive
808 and Unfair Trade Practices Act under part II of chapter 501
809 brought by the enforcing authority as defined in s. 501.203.

810 (a) Products for which the code establishes standardized
811 testing or comparative or rational analysis methods shall be
812 approved by submittal and validation of one of the following
813 reports or listings indicating that the product or method or
814 system of construction was in compliance with the Florida
815 Building Code and that the product or method or system of
816 construction is, for the purpose intended, at least equivalent
817 to that required by the Florida Building Code:

- 818 1. A certification mark or listing of an approved
819 certification agency, which may be used only for products for
820 which the code designates standardized testing;
- 821 2. A test report from an approved testing laboratory;
- 822 3. A product evaluation report based upon testing or
823 comparative or rational analysis, or a combination thereof, from
824 an approved product evaluation entity; or



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825 4. A product evaluation report based upon testing or
826 comparative or rational analysis, or a combination thereof,
827 developed and signed and sealed by a professional engineer or
828 architect, licensed in this state.

829

830 A product evaluation report or a certification mark or
831 listing of an approved certification agency which demonstrates
832 that the product or method or system of construction complies
833 with the Florida Building Code for the purpose intended is
834 equivalent to a test report and test procedure referenced in the
835 Florida Building Code. An application for state approval of a
836 product under subparagraph 1. or 3. must be approved by the
837 department after the commission staff or a designee verifies
838 that the application and related documentation are complete.
839 This verification must be completed within 10 business days
840 after receipt of the application. Upon approval by the
841 department, the product shall be immediately added to the list
842 of state-approved products maintained under subsection (13).
843 Approvals by the department shall be reviewed and ratified by
844 the commission's program oversight committee except for a
845 showing of good cause that a review by the full commission is
846 necessary. The commission shall adopt rules providing means to
847 cure deficiencies identified within submittals for products
848 approved under this paragraph.

849 Section 13. Section 553.901, Florida Statutes, is amended
850 to read:

851 553.901 Purpose of thermal efficiency code.—The Department
852 of Business and Professional Regulation shall prepare a thermal
853 efficiency code to provide for a statewide uniform standard for



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854 energy efficiency in the thermal design and operation of all
855 buildings statewide, consistent with energy conservation goals,
856 and to best provide for public safety, health, and general
857 welfare. The Florida Building Commission shall adopt the Florida
858 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~
859 ~~for Building Construction within the Florida Building Code~~, and
860 shall modify, revise, update, and maintain the code to implement
861 the provisions of this thermal efficiency code and amendments
862 thereto, in accordance with the procedures of chapter 120. The
863 department shall, at least triennially, determine the most cost-
864 effective energy-saving equipment and techniques available and
865 report its determinations to the commission, which shall update
866 the code to incorporate such equipment and techniques. The
867 proposed changes shall be made available for public review and
868 comment no later than 6 months before ~~prior to~~ code
869 implementation. The term "cost-effective," as used in ~~for the~~
870 ~~purposes of this part~~, means ~~shall be construed to mean~~ cost-
871 effective to the consumer.

872 Section 14. Section 553.902, Florida Statutes, is reordered
873 and amended to read:

874 553.902 Definitions. As used in ~~For the purposes of this~~
875 ~~part~~, the term:

876 (2) ~~(1)~~ "Exempted building" means:

877 (a) A ~~Any~~ building or portion thereof whose peak design
878 rate of energy usage for all purposes is less than 1 watt (3.4
879 Btu per hour) per square foot of floor area for all purposes.

880 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled
881 by a mechanical system designed to control or modify the indoor
882 temperature and powered by electricity or fossil fuels.



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883 (c) A ~~Any~~ building for which federal mandatory standards
884 preempt state energy codes.

885 (d) A ~~Any~~ historical building as described in s.
886 267.021(3).

887

888 The Florida Building Commission may recommend to the
889 Legislature additional types of buildings which should be
890 exempted from compliance with the Florida Building Code-Energy
891 Conservation ~~Florida Energy Efficiency Code for Building~~
892 ~~Construction~~.

893 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and
894 air-conditioning.

895 (6)~~(3)~~ "Renovated building" means a residential or
896 nonresidential building undergoing alteration that varies or
897 changes insulation, HVAC systems, water heating systems, or
898 exterior envelope conditions, if ~~provided~~ the estimated cost of
899 renovation exceeds 30 percent of the assessed value of the
900 structure.

901 (5)~~(4)~~ "Local enforcement agency" means the agency of local
902 government which has the authority to make inspections of
903 buildings and to enforce the Florida Building Code. The term ~~It~~
904 includes any agency within the definition of s. 553.71(5).

905 (3)~~(5)~~ "Exterior envelope physical characteristics" means
906 the physical nature of those elements of a building which
907 enclose conditioned spaces through which energy may be
908 transferred to or from the exterior.

909 (1)~~(6)~~ "Energy performance level" means the indicator of
910 the energy-related performance of a building, including, but not
911 limited to, the levels of insulation, the amount and type of



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912 glass, and the HVAC and water heating system efficiencies.

913 Section 15. Section 553.903, Florida Statutes, is amended
914 to read:

915 553.903 Applicability.—This part applies ~~shall apply~~ to all
916 new and renovated buildings in the state, except exempted
917 buildings, for which building permits are obtained after March
918 15, 1979, and to the installation or replacement of building
919 systems and components with new products for which thermal
920 efficiency standards are set by the Florida Building Code-Energy
921 Conservation ~~Florida Energy Efficiency Code for Building~~
922 ~~Construction~~. The provisions of this part shall constitute a
923 statewide uniform code.

924 Section 16. Section 553.904, Florida Statutes, is amended
925 to read:

926 553.904 Thermal efficiency standards for new nonresidential
927 buildings.—Thermal designs and operations for new nonresidential
928 buildings for which building permits are obtained after March
929 15, 1979, must ~~shall~~ at a minimum take into account exterior
930 envelope physical characteristics, including thermal mass; HVAC,
931 service water heating, energy distribution, lighting, energy
932 managing, and auxiliary systems design and selection; and HVAC,
933 service water heating, energy distribution, lighting, energy
934 managing, and auxiliary equipment performance, and are ~~shall~~ not
935 ~~be~~ required to meet standards more stringent than the provisions
936 of the Florida Building Code-Energy Conservation ~~Florida Energy~~
937 ~~Efficiency Code for Building Construction~~.

938 Section 17. Section 553.905, Florida Statutes, is amended
939 to read:

940 553.905 Thermal efficiency standards for new residential



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941 buildings.—Thermal designs and operations for new residential
942 buildings for which building permits are obtained after March
943 15, 1979, must ~~shall~~ at a minimum take into account exterior
944 envelope physical characteristics, HVAC system selection and
945 configuration, HVAC equipment performance, and service water
946 heating design and equipment selection and are ~~shall~~ not ~~be~~
947 required to meet standards more stringent than the provisions of
948 the Florida Building Code-Energy Conservation ~~Florida Energy~~
949 ~~Efficiency Code for Building Construction~~. HVAC equipment
950 mounted in an attic or a garage is ~~shall~~ not ~~be~~ required to have
951 supplemental insulation in addition to that installed by the
952 manufacturer. All new residential buildings, except those herein
953 exempted, must ~~shall~~ have insulation in ceilings rated at R-19
954 or more, space permitting. Thermal efficiency standards do not
955 apply to a building of less than 1,000 square feet which is not
956 primarily used as a principal residence and which is constructed
957 and owned by a natural person for hunting or similar
958 recreational purposes; however, ~~no~~ such person may not build
959 more than one exempt building in any 12-month period.

960 Section 18. Section 553.906, Florida Statutes, is amended
961 to read:

962 553.906 Thermal efficiency standards for renovated
963 buildings.—Thermal designs and operations for renovated
964 buildings for which building permits are obtained after March
965 15, 1979, must ~~shall~~ take into account insulation; windows;
966 infiltration; and HVAC, service water heating, energy
967 distribution, lighting, energy managing, and auxiliary systems
968 design and equipment selection and performance. Such buildings
969 are ~~shall~~ not ~~be~~ required to meet standards more stringent than



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970 the provisions of the Florida Building Code-Energy Conservation
971 ~~Florida Energy Efficiency Code for Building Construction~~. These
972 standards apply only to those portions of the structure which
973 are actually renovated.

974 Section 19. Section 553.912, Florida Statutes, is amended
975 to read:

976 553.912 Air conditioners.—All air conditioners that are
977 sold or installed in the state must ~~shall~~ meet the minimum
978 efficiency ratings of the Florida Building Code-Energy
979 Conservation ~~Energy Efficiency Code for Building Construction~~.
980 These efficiency ratings must ~~shall~~ be minimums and may be
981 updated in the Florida Building Code-Energy Conservation ~~Florida~~
982 ~~Energy Efficiency Code for Building Construction~~ by the
983 department in accordance with s. 553.901, following its
984 determination that more cost-effective energy-saving equipment
985 and techniques are available. It is the intent of the
986 Legislature that all replacement air-conditioning systems be
987 installed using energy-saving, quality installation procedures
988 in residential, including, but not limited to, equipment sizing
989 analysis and duct inspection. Notwithstanding this section,
990 existing heating and cooling equipment in residential
991 applications need not meet the minimum equipment efficiencies,
992 including system sizing and duct sealing, except to preserve the
993 original approval or listing of the equipment.

994 Section 20. Section 553.991, Florida Statutes, is amended
995 to read:

996 553.991 Purpose.—The purpose of this part is to identify
997 systems ~~provide for a statewide uniform system~~ for rating the
998 energy efficiency of buildings. It is in the interest of the



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999 state to encourage the consideration of ~~the~~ energy-efficiency
1000 rating systems ~~system~~ in the market so as to provide market
1001 rewards for energy-efficient buildings and to those persons or
1002 companies designing, building, or selling energy-efficient
1003 buildings.

1004 Section 21. Section 553.992, Florida Statutes, is repealed.

1005 Section 22. Section 553.993, Florida Statutes, is amended
1006 to read:

1007 553.993 Definitions.—For purposes of this part:

1008 (1) "Acquisition" means to gain the sole or partial use of
1009 a building through a purchase agreement.

1010 (2) "Builder" means the primary contractor who possesses
1011 the requisite skill, knowledge, and experience, and has the
1012 responsibility, to supervise, direct, manage, and control the
1013 contracting activities of the business organization with which
1014 she or he is connected and who has the responsibility to
1015 supervise, direct, manage, and control the construction work on
1016 a job for which she or he has obtained the building permit.
1017 Construction work includes, but is not limited to, foundation,
1018 framing, wiring, plumbing, and finishing work.

1019 (3) "Building energy-efficiency rating system" means a
1020 whole building energy evaluation system established by the
1021 Residential Energy Services Network, the Commercial Energy
1022 Services Network, the Building Performance Institute, or the
1023 Florida Solar Energy Center.

1024 (4) ~~(3)~~ "Designer" means the architect, engineer, landscape
1025 architect, builder, interior designer, or other person who
1026 performs the actual design work or under whose direct
1027 supervision and responsible charge the construction documents



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1028 are prepared.

1029 (5) "Energy auditor" means a trained and certified
1030 professional who conducts energy evaluations of an existing
1031 building and uses tools to identify the building's current
1032 energy usage and the condition of the building and equipment.

1033 (6) "Energy-efficiency rating" means an unbiased indication
1034 of a building's relative energy efficiency based on consistent
1035 inspection procedures, operating assumptions, climate data, and
1036 calculation methods.

1037 (7) "Energy rater" means an individual certified by a
1038 building energy-efficiency rating system to perform building
1039 energy-efficiency ratings for the building type and in the
1040 rating class for which the rater is certified.

1041 (8)-(4) "New building" means commercial occupancy buildings
1042 permitted for construction after January 1, 1995, and
1043 residential occupancy buildings permitted for construction after
1044 January 1, 1994.

1045 (9)-(5) "Public building" means a building comfort-
1046 conditioned for occupancy that is owned or leased by the state,
1047 a state agency, or a governmental subdivision, including, but
1048 not limited to, a city, county, or school district.

1049 Section 23. Section 553.994, Florida Statutes, is amended
1050 to read:

1051 553.994 Applicability.—Building energy-efficiency ~~The~~
1052 rating systems system shall apply to all public, commercial, and
1053 residential buildings in the state.

1054 Section 24. Section 553.995, Florida Statutes, is amended
1055 to read:

1056 553.995 Energy-efficiency ratings for buildings.—



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1057 (1) Building ~~The~~ energy-efficiency rating systems must,
1058 ~~system shall~~ at a minimum:

1059 ~~(a) Provide a uniform rating scale of the efficiency of~~
1060 ~~buildings based on annual energy usage.~~

1061 ~~(a)(b)~~ Take into account local climate conditions,
1062 construction practices, and building use.

1063 ~~(b)(e)~~ Be compatible with standard federal rating systems
1064 and state building codes and standards, where applicable, and
1065 shall satisfy the requirements of s. 553.9085 with respect to
1066 residential buildings and s. 255.256 with respect to state
1067 buildings.

1068 ~~(c)(2) The energy-efficiency rating system adopted by the~~
1069 ~~department shall~~ Provide a means of analyzing and ~~comparing~~ the
1070 relative energy efficiency of buildings upon the sale of new or
1071 existing residential, public, or commercial buildings.

1072 ~~(3) The department shall establish a voluntary working~~
1073 ~~group of persons interested in the energy-efficiency rating~~
1074 ~~system or energy efficiency, including, but not limited to, such~~
1075 ~~persons as electrical engineers, mechanical engineers,~~
1076 ~~architects, public utilities, and builders. The interest group~~
1077 ~~shall advise the department in the development of the energy-~~
1078 ~~efficiency rating system and shall assist the department in the~~
1079 ~~implementation of the rating system by coordinating educational~~
1080 ~~programs for designers, builders, businesses, and other~~
1081 ~~interested persons to assist compliance and to facilitate~~
1082 ~~incorporation of the rating system into existing practices.~~

1083 (2) (a)(4) ~~The department shall develop a training and~~
1084 ~~certification program to certify raters. In addition to the~~
1085 ~~department,~~ Ratings may be conducted by a ~~any~~ local government



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1086 or private entity ~~if, provided that~~ the appropriate persons have
1087 completed the necessary training established by the applicable
1088 building energy-efficiency rating system ~~and have been certified~~
1089 ~~by the department.~~

1090 (b) The Department of Management Services shall rate state-
1091 owned or state-leased buildings ~~if, provided that~~ the
1092 appropriate persons have completed the necessary training
1093 established by the applicable building energy-efficiency rating
1094 system ~~and have been certified by the Department of Business and~~
1095 ~~Professional Regulation.~~

1096 (c) A state agency that ~~which~~ has building construction
1097 regulation authority may rate its own buildings and those it is
1098 responsible for, if the appropriate persons have completed the
1099 necessary training established by the applicable building
1100 energy-efficiency rating system ~~and have been certified by the~~
1101 ~~Department of Business and Professional Regulation. The~~
1102 ~~Department of Business and Professional Regulation may charge a~~
1103 ~~fee not to exceed the costs for the training and certification~~
1104 ~~of raters. The department shall by rule set the appropriate~~
1105 ~~charges for raters to charge for energy ratings, not to exceed~~
1106 ~~the actual costs.~~

1107 Section 25. Section 553.996, Florida Statutes, is amended
1108 to read:

1109 553.996 Energy-efficiency information provided by building
1110 energy-efficiency rating systems providers brochure.—A
1111 prospective purchaser of real property with a building for
1112 occupancy located thereon shall be provided ~~with a copy of an~~
1113 ~~information brochure,~~ at the time of or before ~~prior to~~ the
1114 purchaser's execution of the contract for sale and purchase



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1115 ~~which notifies, notifying~~ the purchaser of the option for an
1116 energy-efficiency rating on the building. Building energy-
1117 efficiency rating system providers identified in this part shall
1118 prepare such information and make it available for distribution
1119 ~~Such brochure shall be prepared, made available for~~
1120 ~~distribution, and provided at no cost by the department.~~ Such
1121 ~~brochure shall contain~~ information relevant to that class of
1122 building must include, including, but need not be limited to:

1123 (1) How to analyze the building's energy-efficiency rating.

1124 (2) Comparisons to statewide averages for new and existing
1125 construction of that class.

1126 (3) Information concerning methods to improve the
1127 building's energy-efficiency rating.

1128 (4) A notice to residential purchasers that the energy-
1129 efficiency rating may qualify the purchaser for an energy-
1130 efficient mortgage from lending institutions.

1131 Section 26. Subsection (2) of section 553.997, Florida
1132 Statutes, is amended to read:

1133 553.997 Public buildings.—

1134 (2) ~~The department, together with other~~ State agencies
1135 having building construction and maintenance responsibilities,
1136 shall make available energy-efficiency practices information to
1137 be used by individuals involved in the design, construction,
1138 retrofitting, and maintenance of buildings for state and local
1139 governments.

1140 Section 27. Section 553.998, Florida Statutes, is amended
1141 to read:

1142 553.998 Compliance.—All ratings must ~~shall~~ be determined
1143 using tools and procedures developed by the systems recognized



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1144 under this part adopted by the department by rule in accordance
1145 with chapter 120 and must shall be certified by the rater as
1146 accurate and correct and in compliance with procedures of the
1147 system under which the rater is certified adopted by the
1148 department by rule in accordance with chapter 120.

1149 Section 28. Concrete Masonry Products Research, Education,
1150 and Promotion Act.-

1151 (1) SHORT TITLE.-This section may be cited as the "Concrete
1152 Masonry Products Research, Education, and Promotion Act."

1153 (2) FLORIDA CONCRETE MASONRY COUNCIL, INC.; CREATION;
1154 PURPOSES.-

1155 (a) There is created the Florida Concrete Masonry Council,
1156 Inc., a nonprofit corporation organized under the laws of this
1157 state and operating as a direct-support organization of the
1158 Florida Building Commission.

1159 (b) The council shall:

1160 1. Develop, implement, and monitor a system for the
1161 definition of masonry products and for the collection of self-
1162 imposed voluntary assessments.

1163 2. Plan, implement, and conduct programs of education,
1164 promotion, research, and consumer information and industry
1165 information which are designed to strengthen the market position
1166 of the concrete masonry industry in this state and in the
1167 nation, to maintain and expand domestic and foreign markets, and
1168 to expand the uses for concrete masonry products.

1169 3. Use the means authorized by this subsection for the
1170 purpose of funding research, education, promotion, and consumer
1171 and industry information of concrete masonry products in this
1172 state and in the nation.



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1173 4. Coordinate research, education, promotion, industry, and
1174 consumer information programs with national programs or programs
1175 of other states.

1176 5. Develop new uses and markets for concrete masonry
1177 products.

1178 6. Develop and improve educational access to individuals
1179 seeking employment in the field of concrete masonry.

1180 7. Develop methods of improving the quality of concrete
1181 masonry products for the purpose of windstorm protection.

1182 8. Develop methods of improving the energy efficiency
1183 attributes of concrete masonry products.

1184 9. Inform and educate the public concerning the
1185 sustainability and economic benefits of concrete masonry
1186 products.

1187 10. Do all other acts necessary or expedient for the
1188 administration of the affairs and attainment of the purposes of
1189 the council.

1190 (c) The council may:

1191 1. Conduct or contract for scientific research with any
1192 accredited university, college, or similar institution and enter
1193 into other contracts or agreements that will aid in carrying out
1194 the purposes of this section, including contracts for the
1195 purchase or acquisition of facilities or equipment necessary to
1196 carry out the purposes of this section.

1197 2. Disseminate reliable information benefiting the consumer
1198 and the concrete masonry industry.

1199 3. Provide to governmental bodies, on request, information
1200 relating to subjects of concern to the concrete masonry industry
1201 and act jointly or in cooperation with the state or Federal



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1202 Government, and agencies thereof, in the development or
1203 administration of programs that the council considers to be
1204 consistent with the objectives of this section.

1205 4. Sue and be sued as a council without individual
1206 liability of the members for acts of the council when acting
1207 within the scope of the powers of this section and in the manner
1208 prescribed by the laws of this state.

1209 5. Maintain a financial reserve for emergency use, the
1210 total of which must not exceed 50 percent of the council's
1211 anticipated annual income.

1212 6. Employ subordinate officers and employees of the
1213 council, prescribe their duties, and fix their compensation and
1214 terms of employment.

1215 7. Cooperate with any local, state, regional, or nationwide
1216 organization or agency engaged in work or activities consistent
1217 with the objectives of the program.

1218 8. Do all other things necessary to further the intent of
1219 this section which are not prohibited by law.

1220 (d) The council and concrete masonry manufacturers may meet
1221 and coordinate the collection of self-imposed voluntary
1222 assessments for each concrete masonry unit that is produced and
1223 sold by manufacturers in the state.

1224 (e)1. The council may not participate or intervene in any
1225 political campaign on behalf of or in opposition to any
1226 candidate for public office or any state or local ballot
1227 initiative. This restriction includes, but is not limited to, a
1228 prohibition against publishing or distributing any statement.

1229 2. The net receipts of the council may not in any part
1230 inure to the benefit of or be distributable to its directors,



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1231 its officers, or other private persons, except that the council
1232 may pay reasonable compensation for services rendered by staff
1233 employees and may make payments and distributions in furtherance
1234 of the purposes of this section.

1235 3. Notwithstanding any other provision of law, the council
1236 may not carry on any other activity not permitted to be carried
1237 on by a corporation:

1238 a. That is exempt from federal income tax under s.
1239 501(c)(3) of the Internal Revenue Code; or

1240 b. To which charitable contributions are deductible under
1241 s. 170(c)(2) of the Internal Revenue Code.

1242 (3) GOVERNING BOARD.—

1243 (a) The Florida Concrete Masonry Council, Inc., shall be
1244 governed by a board of directors composed of 15 members as
1245 follows:

1246 1. Nine members representing concrete masonry
1247 manufacturers. Of these board members, at least five must be a
1248 representative of a manufacturer that is a member of the Masonry
1249 Association of Florida. These members must be representatives of
1250 concrete masonry manufacturers of various sizes. A manufacturer
1251 may not be represented by more than one member of the board.

1252 2. One member representing the Florida Building Commission.

1253 3. One member representing the Florida Home Builders
1254 Association.

1255 4. One member having expertise in apprenticeship or
1256 vocational training.

1257 5. Two members who are masonry contractors and who are
1258 members of the Masonry Association of Florida.

1259 6. One member who is not a masonry contractor or



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1260 manufacturer or an employee of a masonry contractor or
1261 manufacturer, but who is otherwise a stakeholder in the masonry
1262 industry.

1263 (b) The initial board of directors shall be appointed by
1264 the chair of the commission based on recommendations from the
1265 Masonry Association of Florida. Five of the initial board
1266 members shall be appointed to a 1-year term. Five shall be
1267 appointed for a 2-year term. The remaining board members shall
1268 be appointed for a 3-year term. Thereafter, each member shall be
1269 appointed to serve a 3-year term and may be reappointed to serve
1270 an additional consecutive term. After the initial appointments
1271 are made, each subsequent vacancy shall be filled in accordance
1272 with the bylaws of the council. A member may not serve more than
1273 two consecutive terms. A member representing a manufacturer or a
1274 contractor must be employed by a manufacturer or contractor
1275 engaging in the trade of manufacture of concrete masonry
1276 products for at least 5 years immediately preceding the first
1277 day of his or her service on the board. All members of the board
1278 shall serve without compensation. However, the board members are
1279 entitled to reimbursement for per diem and travel expenses
1280 incurred in carrying out the intents and purposes of this
1281 section in accordance with s. 112.061, Florida Statutes.

1282 (c) The council shall elect from its members a chair, vice
1283 chair, and a secretary-treasurer to a 2-year term each. The
1284 chair of the board must be a concrete masonry manufacturer.

1285 (d) The initial board of directors shall adopt bylaws to
1286 govern initial terms of directors, governance of board members
1287 and meetings, term limits, and procedures for filling vacancies.

1288 (4) ACCEPTANCE OF GRANTS AND GIFTS.—The council may accept



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1289 grants, donations, contributions, or gifts from any source if
1290 the use of such resources is not restricted in any manner that
1291 the council considers to be inconsistent with the objectives of
1292 this section.

1293 (5) PAYMENTS TO ORGANIZATIONS.—

1294 (a) The council may make payments to other organizations
1295 for work or services performed which are consistent with the
1296 objectives of the program.

1297 (b) Before making payments described in this subsection,
1298 the council must secure a written agreement that the
1299 organization receiving payment will furnish at least annually,
1300 or more frequently on request of the council, written or printed
1301 reports of program activities and reports of financial data that
1302 are relative to the council's funding of such activities.

1303 (c) The council may require adequate proof of security
1304 bonding on the payments to any individual, business, or other
1305 organization.

1306 (6) COLLECTION OF MONEYS AT TIME OF SALE.—

1307 (a) If a self-imposed voluntary assessment is paid by a
1308 manufacturer, each manufacturer shall list on its invoice to the
1309 purchaser, at the time of sale by the manufacturer, such
1310 assessment. The amount of the assessment must be separately
1311 stated on all receipts, invoices, or other evidence of sale as
1312 the "Florida Building Sustainability Assessment."

1313 (b) Each manufacturer that elects to self-impose a
1314 voluntary assessment shall commit to the assessment for a period
1315 of not less than 1 year and shall annually be authorized to
1316 renew or end the self-imposed voluntary assessment.

1317 (c) The manufacturer shall collect all such moneys and



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1318 forward them quarterly to the council.

1319 (d) The council shall maintain within its financial records
1320 a separate accounting of all moneys received under this
1321 subsection. The council shall provide for an annual financial
1322 audit of its accounts and records to be conducted by an
1323 independent certified public accountant licensed under chapter
1324 473.

1325 (7) BYLAWS.—The council shall, by September 30, 2013, adopt
1326 bylaws to carry out the intents and purposes of this section.
1327 These bylaws may be amended upon 30 days' notice to board
1328 members at any regular or special meeting called for this
1329 purpose. The bylaws must conform to the requirements of this
1330 section but may also address any matter not in conflict with the
1331 general laws of this state.

1332
1333
1334 ===== T I T L E A M E N D M E N T =====

1335 And the title is amended as follows:

1336 Delete line 2

1337 and insert:

1338 An act relating to building construction; amending s.
1339 162.12, F.S.; revising notice requirements in the Local
1340 Government Code Enforcement Boards Act; amending s. 381.0065,
1341 F.S.; specifying that certain actions relating to onsite sewage
1342 treatment and removal are not required if a bedroom is not added
1343 during a remodeling addition or modification to a single-family
1344 home; prohibiting a remodeling addition or modification from
1345 certain coverage or encroachment; authorizing a local health
1346 board to review specific plans; requiring a review to be



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1347 completed within a specific time period after receipt of
1348 specific plans; amending s. 489.105, F.S.; revising a
1349 definition; providing that amendments to s. 489.113(2), F.S.,
1350 enacted in s. 11, ch. 2012-13, Laws of Florida, are remedial and
1351 intended to clarify existing law; providing for retroactivity;
1352 amending s. 489.127, F.S.; revising civil penalties; authorizing
1353 a local building department to retain 75 percent of certain
1354 fines collected if it transmits 25 percent to the Department of
1355 Business and Professional Regulation; amending s. 489.131, F.S.;
1356 deleting legislative intent referring to a local agency's
1357 enforcement of regulatory laws; deleting the definitions of
1358 "minor violation" and "notice of noncompliance"; deleting
1359 provisions that provide for what a notice of noncompliance
1360 should or should not include; deleting a provision that provides
1361 for further disciplinary proceedings for certain licensees;
1362 amending s. 489.514, F.S.; extending the date by which an
1363 applicant must make application for a license to be
1364 grandfathered; amending s. 489.531, F.S.; revising a maximum
1365 civil penalty; amending s. 553.73, F.S.; prohibiting any
1366 provision of the International Residential Code relating to
1367 mandated fire sprinklers from incorporation into the Florida
1368 Building Code; amending s. 553.74, F.S.; revising membership of
1369 the Florida Building Commission; amending s. 553.79, F.S.;
1370 authorizing a site plan to be maintained at the worksite as an
1371 electronic copy; requiring the copy to be open to inspection by
1372 certain officials; amending s. 553.842, F.S.; requiring an
1373 application for state approval of a certain product to be
1374 approved by the department after the application and related
1375 documentation are complete; amending ss. 553.901, 553.902,



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1376 553.903, 553.904, 553.905, and 553.906, F.S.; requiring the
1377 Florida Building Commission to adopt the Florida Building Code-
1378 Energy Conservation; conforming subsequent sections of the
1379 thermal efficiency code; amending s. 553.912, F.S.; providing
1380 that certain existing heating and cooling equipment is not
1381 required to meet the minimum equipment efficiencies; amending s.
1382 553.991, F.S.; revising the purpose of the Florida Building
1383 Energy-Efficiency Rating Act; repealing s. 553.992, F.S.,
1384 relating to the adoption of a rating system; amending s.
1385 553.993, F.S.; providing definitions; amending s. 553.994, F.S.;
1386 providing for the applicability of building energy-efficiency
1387 rating systems; amending s. 553.995, F.S.; deleting a minimum
1388 requirement for the building energy-efficiency rating systems;
1389 revising language; deleting provisions relating to a certain
1390 interest group; deleting provisions relating to the Department
1391 of Business and Professional Regulation; amending s. 553.996,
1392 F.S.; requiring building energy-efficiency rating system
1393 providers to provide certain information; amending s. 553.997,
1394 F.S.; deleting a provision relating to the department; amending
1395 s. 553.998, F.S.; revising provisions relating to rating
1396 compliance; providing a short title; creating the Florida
1397 Concrete Masonry Council, Inc.; authorizing the council to levy
1398 an assessment on the sale of concrete masonry units under
1399 certain circumstances; providing the powers and duties of the
1400 council and restrictions upon actions of the council; providing
1401 for appointment of the governing board of the council;
1402 authorizing the council to submit a referendum to manufacturers
1403 of concrete masonry units for authorization to levy an
1404 assessment on the sale of concrete masonry units; providing



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1405 procedure for holding the referendum; authorizing the council to
1406 accept grants, donations, contributions, and gifts under certain
1407 circumstances; authorizing the council to make payments to other
1408 organizations under certain circumstances; providing
1409 requirements for the manufacturer's collection of assessments;
1410 requiring the council to adopt bylaws;
1411