

1                   A bill to be entitled  
2           An act relating to building construction; amending s.  
3           162.12, F.S.; revising notice requirements in the  
4           Local Government Code Enforcement Boards Act; amending  
5           s. 381.0065, F.S.; specifying that certain actions  
6           relating to onsite sewage treatment and removal are  
7           not required if a bedroom is not added during a  
8           remodeling addition or modification to a single-family  
9           home; prohibiting a remodeling addition or  
10          modification from certain coverage or encroachment;  
11          authorizing a local health board to review specific  
12          plans; requiring a review to be completed within a  
13          specific time period after receipt of specific plans;  
14          amending s. 489.103, F.S.; exempting specified persons  
15          from licensure as a contractor; amending s. 489.105,  
16          F.S.; revising definitions; amending s. 489.127, F.S.;  
17          revising civil penalties; authorizing a local building  
18          department to retain 75 percent of certain fines  
19          collected if it transmits 25 percent to the Department  
20          of Business and Professional Regulation; amending s.  
21          489.131, F.S.; deleting legislative intent referring  
22          to a local agency's enforcement of regulatory laws;  
23          deleting the definitions of "minor violation" and  
24          "notice of noncompliance"; deleting provisions that  
25          provide for what a notice of noncompliance should or  
26          should not include; deleting a provision that provides  
27          for further disciplinary proceedings for certain  
28          licensees; amending s. 489.514, F.S.; extending the

29 | date by which an applicant must make application for a  
30 | contracting license to be grandfathered; amending s.  
31 | 489.531, F.S.; revising a maximum civil penalty;  
32 | amending s. 553.73, F.S.; prohibiting any provision of  
33 | the International Residential Code relating to  
34 | mandated fire sprinklers from incorporation into the  
35 | Florida Building Code; amending s. 553.74, F.S.;  
36 | revising the membership of the Florida Building  
37 | Commission; amending s. 553.79, F.S.; authorizing a  
38 | site plan to be maintained at the worksite as an  
39 | electronic copy; requiring the copy to be open to  
40 | inspection by certain officials; amending s. 553.842,  
41 | F.S.; requiring an application for state approval of a  
42 | certain product to be approved by the department after  
43 | the application and related documentation are  
44 | complete; amending ss. 553.901, 553.902, 553.903,  
45 | 553.904, 553.905, and 553.906, F.S.; requiring the  
46 | Florida Building Commission to adopt the Florida  
47 | Building Code-Energy Conservation; conforming  
48 | subsequent sections of the thermal efficiency code;  
49 | amending s. 553.912, F.S.; providing that certain  
50 | existing heating and cooling equipment is not required  
51 | to meet the minimum equipment efficiencies; amending  
52 | s. 553.991, F.S.; revising the purpose of the Florida  
53 | Building Energy-Efficiency Rating Act; amending s.  
54 | 553.992, F.S.; requiring the department to administer  
55 | statewide criteria for building energy-efficiency  
56 | rating systems; requiring department rules to prohibit

57 | a sole provider from conducting functions relating to  
 58 | the building energy-efficiency rating system; amending  
 59 | s. 553.993, F.S.; providing definitions; amending s.  
 60 | 553.995, F.S.; deleting a minimum requirement for the  
 61 | building energy-efficiency rating system; revising  
 62 | language; requiring the interest group to advise the  
 63 | department in the adoption and administration of the  
 64 | system; deleting a provision that requires the  
 65 | interest group to assist in the implementation of the  
 66 | system by performing certain acts; requiring the  
 67 | department to approve, rather than develop, a training  
 68 | and certification program to certify raters; providing  
 69 | an appropriation; providing an effective date.

70 |

71 | Be It Enacted by the Legislature of the State of Florida:

72 |

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

75 | 162.12 Notices.—

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

78 | (a) Certified mail, return receipt requested, to the  
 79 | address listed in the tax collector's office for tax notices, or  
 80 | to the address listed in the county property appraiser's  
 81 | database. The local government may also provide an additional  
 82 | notice to any other address it may find for ~~provided by~~ the  
 83 | ~~property owner in writing to the local government for the~~  
 84 | ~~purpose of receiving notices.~~ For property owned by a

85 corporation, notices may be provided by certified mail to the  
86 registered agent of the corporation. If any notice sent by  
87 certified mail is not signed as received within 30 days after  
88 the postmarked date of mailing, notice may be provided by  
89 posting as described in subparagraphs (2)(b)1. and 2.;

90 (b) Hand delivery by the sheriff or other law enforcement  
91 officer, code inspector, or other person designated by the local  
92 governing body;

93 (c) Leaving the notice at the violator's usual place of  
94 residence with any person residing therein who is above 15 years  
95 of age and informing such person of the contents of the notice;  
96 or

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

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

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

109 2. Proof of publication shall be made as provided in ss.  
110 50.041 and 50.051.

111 (b)1. In lieu of publication as described in paragraph  
112 (a), such notice may be posted at least 10 days prior to the

113 hearing, or prior to the expiration of any deadline contained in  
 114 the notice, in at least two locations, one of which shall be the  
 115 property upon which the violation is alleged to exist and the  
 116 other of which shall be, in the case of municipalities, at the  
 117 primary municipal government office, and in the case of  
 118 counties, at the front door of the courthouse or the main county  
 119 governmental center in said county.

120 2. Proof of posting shall be by affidavit of the person  
 121 posting the notice, which affidavit shall include a copy of the  
 122 notice posted and the date and places of its posting.

123 (c) Notice by publication or posting may run concurrently  
 124 with, or may follow, an attempt or attempts to provide notice by  
 125 hand delivery or by mail as required under subsection (1).  
 126

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

133 Section 2. Paragraph (aa) of subsection (4) of section  
 134 381.0065, Florida Statutes, is amended to read:

135 381.0065 Onsite sewage treatment and disposal systems;  
 136 regulation.—

137 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
 138 not construct, repair, modify, abandon, or operate an onsite  
 139 sewage treatment and disposal system without first obtaining a  
 140 permit approved by the department. The department may issue

141 permits to carry out this section, but shall not make the  
142 issuance of such permits contingent upon prior approval by the  
143 Department of Environmental Protection, except that the issuance  
144 of a permit for work seaward of the coastal construction control  
145 line established under s. 161.053 shall be contingent upon  
146 receipt of any required coastal construction control line permit  
147 from the Department of Environmental Protection. A construction  
148 permit is valid for 18 months from the issuance date and may be  
149 extended by the department for one 90-day period under rules  
150 adopted by the department. A repair permit is valid for 90 days  
151 from the date of issuance. An operating permit must be obtained  
152 prior to the use of any aerobic treatment unit or if the  
153 establishment generates commercial waste. Buildings or  
154 establishments that use an aerobic treatment unit or generate  
155 commercial waste shall be inspected by the department at least  
156 annually to assure compliance with the terms of the operating  
157 permit. The operating permit for a commercial wastewater system  
158 is valid for 1 year from the date of issuance and must be  
159 renewed annually. The operating permit for an aerobic treatment  
160 unit is valid for 2 years from the date of issuance and must be  
161 renewed every 2 years. If all information pertaining to the  
162 siting, location, and installation conditions or repair of an  
163 onsite sewage treatment and disposal system remains the same, a  
164 construction or repair permit for the onsite sewage treatment  
165 and disposal system may be transferred to another person, if the  
166 transferee files, within 60 days after the transfer of  
167 ownership, an amended application providing all corrected  
168 information and proof of ownership of the property. There is no

169 fee associated with the processing of this supplemental  
170 information. A person may not contract to construct, modify,  
171 alter, repair, service, abandon, or maintain any portion of an  
172 onsite sewage treatment and disposal system without being  
173 registered under part III of chapter 489. A property owner who  
174 personally performs construction, maintenance, or repairs to a  
175 system serving his or her own owner-occupied single-family  
176 residence is exempt from registration requirements for  
177 performing such construction, maintenance, or repairs on that  
178 residence, but is subject to all permitting requirements. A  
179 municipality or political subdivision of the state may not issue  
180 a building or plumbing permit for any building that requires the  
181 use of an onsite sewage treatment and disposal system unless the  
182 owner or builder has received a construction permit for such  
183 system from the department. A building or structure may not be  
184 occupied and a municipality, political subdivision, or any state  
185 or federal agency may not authorize occupancy until the  
186 department approves the final installation of the onsite sewage  
187 treatment and disposal system. A municipality or political  
188 subdivision of the state may not approve any change in occupancy  
189 or tenancy of a building that uses an onsite sewage treatment  
190 and disposal system until the department has reviewed the use of  
191 the system with the proposed change, approved the change, and  
192 amended the operating permit.

193 (aa) An existing-system inspection or evaluation; a  
194 modification, replacement, or upgrade of an onsite sewage  
195 treatment and disposal system; or a pump-out of an existing tank  
196 is not required for a remodeling addition or modification to a

197 | single-family home if a bedroom is not added. However, a  
 198 | remodeling addition or modification may not cover any part of  
 199 | the system or encroach upon a required setback or the  
 200 | unobstructed area. The local health department may review a  
 201 | floor plan and site plan that show the distance of the  
 202 | remodeling addition or modification from the system to determine  
 203 | if a setback or unobstructed area is impacted. The review shall  
 204 | be completed within 5 business days after receipt of an adequate  
 205 | floor plan and site plan.

206 | Section 3. Subsection (23) is added to section 489.103,  
 207 | Florida Statutes, to read:

208 | 489.103 Exemptions.—This part does not apply to:

209 | (23) A person acting voluntarily or out of charity and not  
 210 | for personal monetary or other personal gain who assists a  
 211 | property owner of a single family residential building and  
 212 | appurtenances in making improvements to the owner's property.  
 213 | This subsection does not exempt a person who is employed by or  
 214 | has a contract with the property owner and who acts in the  
 215 | capacity of a contractor. This subsection does not exempt a  
 216 | person who advertises that he or she is a contractor or  
 217 | otherwise represents that he or she is qualified to engage in  
 218 | contracting. The property owner must be present on the job site  
 219 | and actively engaging and participating in the supervision of  
 220 | work performed by a person acting as a volunteer or acting out  
 221 | of charity, and the work must not be performed by a licensed  
 222 | contractor.

223 | Section 4. Subsection (3) of section 489.105, Florida  
 224 | Statutes, is amended to read:



225 489.105 Definitions.—As used in this part:

226 (3) "Contractor" means the person who is qualified for,  
 227 and is only responsible for, the project contracted for and  
 228 means, except as exempted in this part, the person who, for  
 229 compensation, undertakes to, submits a bid to, or does himself  
 230 or herself or by others construct, repair, alter, remodel, add  
 231 to, demolish, subtract from, or improve any building or  
 232 structure, including related improvements to real estate, for  
 233 others or for resale to others; and whose job scope is  
 234 substantially similar to the job scope described in one of the  
 235 paragraphs of this subsection. For the purposes of regulation  
 236 under this part, the term "demolish" applies only to demolition  
 237 of steel tanks more than 50 feet in height; towers more than 50  
 238 feet in height; other structures more than 50 feet in height,  
 239 other than buildings or residences more than three stories tall;  
 240 and ~~all~~ buildings or residences more than three stories tall.  
 241 Contractors are subdivided into two divisions, Division I,  
 242 consisting of those contractors defined in paragraphs (a)-(c),  
 243 and Division II, consisting of those contractors defined in  
 244 paragraphs (d)-(q):

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

250 (b) "Building contractor" means a contractor whose  
 251 services are limited to construction of commercial buildings and  
 252 single-dwelling or multiple-dwelling residential buildings,

253 | which do not exceed three stories in height, and accessory use  
254 | structures in connection therewith or a contractor whose  
255 | services are limited to remodeling, repair, or improvement of  
256 | any size building if the services do not affect the structural  
257 | members of the building.

258 |       (c) "Residential contractor" means a contractor whose  
259 | services are limited to construction, remodeling, repair, or  
260 | improvement of one-family, two-family, or three-family  
261 | residences not exceeding two habitable stories above no more  
262 | than one uninhabitable story and accessory use structures in  
263 | connection therewith.

264 |       (d) "Sheet metal contractor" means a contractor whose  
265 | services are unlimited in the sheet metal trade and who has the  
266 | experience, knowledge, and skill necessary for the manufacture,  
267 | fabrication, assembling, handling, erection, installation,  
268 | dismantling, conditioning, adjustment, insulation, alteration,  
269 | repair, servicing, or design, if not prohibited by law, of  
270 | ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
271 | equivalent or lighter gauge and of other materials, including,  
272 | but not limited to, fiberglass, used in lieu thereof and of air-  
273 | handling systems, including the setting of air-handling  
274 | equipment and reinforcement of same, the balancing of air-  
275 | handling systems, and any duct cleaning and equipment sanitizing  
276 | that requires at least a partial disassembling of the system.

277 |       (e) "Roofing contractor" means a contractor whose services  
278 | are unlimited in the roofing trade and who has the experience,  
279 | knowledge, and skill to install, maintain, repair, alter,  
280 | extend, or design, if not prohibited by law, and use materials

281 and items used in the installation, maintenance, extension, and  
282 alteration of all kinds of roofing, waterproofing, and coating,  
283 except when coating is not represented to protect, repair,  
284 waterproof, stop leaks, or extend the life of the roof. The  
285 scope of work of a roofing contractor also includes skylights  
286 and any related work, required roof-deck attachments, and any  
287 repair or replacement of wood roof sheathing or fascia as needed  
288 during roof repair or replacement and any related work.

289 (f) "Class A air-conditioning contractor" means a  
290 contractor whose services are unlimited in the execution of  
291 contracts requiring the experience, knowledge, and skill to  
292 install, maintain, repair, fabricate, alter, extend, or design,  
293 if not prohibited by law, central air-conditioning,  
294 refrigeration, heating, and ventilating systems, including duct  
295 work in connection with a complete system if such duct work is  
296 performed by the contractor as necessary to complete an air-  
297 distribution system, boiler and unfired pressure vessel systems,  
298 and all appurtenances, apparatus, or equipment used in  
299 connection therewith, and any duct cleaning and equipment  
300 sanitizing that requires at least a partial disassembling of the  
301 system; to install, maintain, repair, fabricate, alter, extend,  
302 or design, if not prohibited by law, piping, insulation of  
303 pipes, vessels and ducts, pressure and process piping, and  
304 pneumatic control piping; to replace, disconnect, or reconnect  
305 power wiring on the load side of the dedicated existing  
306 electrical disconnect switch; to install, disconnect, and  
307 reconnect low voltage heating, ventilating, and air-conditioning  
308 control wiring; and to install a condensate drain from an air-

309 conditioning unit to an existing safe waste or other approved  
310 disposal other than a direct connection to a sanitary system.  
311 The scope of work for such contractor also includes any  
312 excavation work incidental thereto, but does not include any  
313 work such as liquefied petroleum or natural gas fuel lines  
314 within buildings, except for disconnecting or reconnecting  
315 changeouts of liquefied petroleum or natural gas appliances  
316 within buildings; potable water lines or connections thereto;  
317 sanitary sewer lines; swimming pool piping and filters; or  
318 electrical power wiring. A Class A air-conditioning contractor  
319 may test and evaluate central air-conditioning, refrigeration,  
320 heating, and ventilating systems, including duct work; however,  
321 a mandatory licensing requirement is not established for the  
322 performance of these specific services.

323 (g) "Class B air-conditioning contractor" means a  
324 contractor whose services are limited to 25 tons of cooling and  
325 500,000 Btu of heating in any one system in the execution of  
326 contracts requiring the experience, knowledge, and skill to  
327 install, maintain, repair, fabricate, alter, extend, or design,  
328 if not prohibited by law, central air-conditioning,  
329 refrigeration, heating, and ventilating systems, including duct  
330 work in connection with a complete system only to the extent  
331 such duct work is performed by the contractor as necessary to  
332 complete an air-distribution system being installed under this  
333 classification, and any duct cleaning and equipment sanitizing  
334 that requires at least a partial disassembling of the system; to  
335 install, maintain, repair, fabricate, alter, extend, or design,  
336 if not prohibited by law, piping and insulation of pipes,

337 vessels, and ducts; to replace, disconnect, or reconnect power  
338 wiring on the load side of the dedicated existing electrical  
339 disconnect switch; to install, disconnect, and reconnect low  
340 voltage heating, ventilating, and air-conditioning control  
341 wiring; and to install a condensate drain from an air-  
342 conditioning unit to an existing safe waste or other approved  
343 disposal other than a direct connection to a sanitary system.  
344 The scope of work for such contractor also includes any  
345 excavation work incidental thereto, but does not include any  
346 work such as liquefied petroleum or natural gas fuel lines  
347 within buildings, except for disconnecting or reconnecting  
348 changeouts of liquefied petroleum or natural gas appliances  
349 within buildings; potable water lines or connections thereto;  
350 sanitary sewer lines; swimming pool piping and filters; or  
351 electrical power wiring. A Class B air-conditioning contractor  
352 may test and evaluate central air-conditioning, refrigeration,  
353 heating, and ventilating systems, including duct work; however,  
354 a mandatory licensing requirement is not established for the  
355 performance of these specific services.

356 (h) "Class C air-conditioning contractor" means a  
357 contractor whose business is limited to the servicing of air-  
358 conditioning, heating, or refrigeration systems, including any  
359 duct cleaning and equipment sanitizing that requires at least a  
360 partial disassembling of the system, and whose certification or  
361 registration, issued pursuant to this part, was valid on October  
362 1, 1988. Only a person who was registered or certified as a  
363 Class C air-conditioning contractor as of October 1, 1988, shall  
364 be so registered or certified after October 1, 1988. However,

365 | the board shall continue to license and regulate those Class C  
366 | air-conditioning contractors who held Class C licenses before  
367 | October 1, 1988.

368 |       (i) "Mechanical contractor" means a contractor whose  
369 | services are unlimited in the execution of contracts requiring  
370 | the experience, knowledge, and skill to install, maintain,  
371 | repair, fabricate, alter, extend, or design, if not prohibited  
372 | by law, central air-conditioning, refrigeration, heating, and  
373 | ventilating systems, including duct work in connection with a  
374 | complete system if such duct work is performed by the contractor  
375 | as necessary to complete an air-distribution system, boiler and  
376 | unfired pressure vessel systems, lift station equipment and  
377 | piping, and all appurtenances, apparatus, or equipment used in  
378 | connection therewith, and any duct cleaning and equipment  
379 | sanitizing that requires at least a partial disassembling of the  
380 | system; to install, maintain, repair, fabricate, alter, extend,  
381 | or design, if not prohibited by law, piping, insulation of  
382 | pipes, vessels and ducts, pressure and process piping, pneumatic  
383 | control piping, gasoline tanks and pump installations and piping  
384 | for same, standpipes, air piping, vacuum line piping, oxygen  
385 | lines, nitrous oxide piping, ink and chemical lines, fuel  
386 | transmission lines, liquefied petroleum gas lines within  
387 | buildings, and natural gas fuel lines within buildings; to  
388 | replace, disconnect, or reconnect power wiring on the load side  
389 | of the dedicated existing electrical disconnect switch; to  
390 | install, disconnect, and reconnect low voltage heating,  
391 | ventilating, and air-conditioning control wiring; and to install  
392 | a condensate drain from an air-conditioning unit to an existing

393 safe waste or other approved disposal other than a direct  
394 connection to a sanitary system. The scope of work for such  
395 contractor also includes any excavation work incidental thereto,  
396 but does not include any work such as potable water lines or  
397 connections thereto, sanitary sewer lines, swimming pool piping  
398 and filters, or electrical power wiring. A mechanical contractor  
399 may test and evaluate central air-conditioning, refrigeration,  
400 heating, and ventilating systems, including duct work; however,  
401 a mandatory licensing requirement is not established for the  
402 performance of these specific services.

403 (j) "Commercial pool/spa contractor" means a contractor  
404 whose scope of work involves, but is not limited to, the  
405 construction, repair, and servicing of any swimming pool, or hot  
406 tub or spa, whether public, private, or otherwise, regardless of  
407 use. The scope of work includes the installation, repair, or  
408 replacement of existing equipment, any cleaning or equipment  
409 sanitizing that requires at least a partial disassembling,  
410 excluding filter changes, and the installation of new pool/spa  
411 equipment, interior finishes, the installation of package pool  
412 heaters, the installation of all perimeter piping and filter  
413 piping, and the construction of equipment rooms or housing for  
414 pool/spa equipment, and also includes the scope of work of a  
415 swimming pool/spa servicing contractor. The scope of such work  
416 does not include direct connections to a sanitary sewer system  
417 or to potable water lines. The installation, construction,  
418 modification, or replacement of equipment permanently attached  
419 to and associated with the pool or spa for the purpose of water  
420 treatment or cleaning of the pool or spa requires licensure;

421 | however, the usage of such equipment for the purposes of water  
422 | treatment or cleaning does not require licensure unless the  
423 | usage involves construction, modification, or replacement of  
424 | such equipment. Water treatment that does not require such  
425 | equipment does not require a license. In addition, a license is  
426 | not required for the cleaning of the pool or spa in a way that  
427 | does not affect the structural integrity of the pool or spa or  
428 | its associated equipment.

429 |       (k) "Residential pool/spa contractor" means a contractor  
430 | whose scope of work involves, but is not limited to, the  
431 | construction, repair, and servicing of a residential swimming  
432 | pool, or hot tub or spa, regardless of use. The scope of work  
433 | includes the installation, repair, or replacement of existing  
434 | equipment, any cleaning or equipment sanitizing that requires at  
435 | least a partial disassembling, excluding filter changes, and the  
436 | installation of new pool/spa equipment, interior finishes, the  
437 | installation of package pool heaters, the installation of all  
438 | perimeter piping and filter piping, and the construction of  
439 | equipment rooms or housing for pool/spa equipment, and also  
440 | includes the scope of work of a swimming pool/spa servicing  
441 | contractor. The scope of such work does not include direct  
442 | connections to a sanitary sewer system or to potable water  
443 | lines. The installation, construction, modification, or  
444 | replacement of equipment permanently attached to and associated  
445 | with the pool or spa for the purpose of water treatment or  
446 | cleaning of the pool or spa requires licensure; however, the  
447 | usage of such equipment for the purposes of water treatment or  
448 | cleaning does not require licensure unless the usage involves



449 construction, modification, or replacement of such equipment.  
450 Water treatment that does not require such equipment does not  
451 require a license. In addition, a license is not required for  
452 the cleaning of the pool or spa in a way that does not affect  
453 the structural integrity of the pool or spa or its associated  
454 equipment.

455 (1) "Swimming pool/spa servicing contractor" means a  
456 contractor whose scope of work involves, but is not limited to,  
457 the repair and servicing of a swimming pool, or hot tub or spa,  
458 whether public or private, or otherwise, regardless of use. The  
459 scope of work includes the repair or replacement of existing  
460 equipment, any cleaning or equipment sanitizing that requires at  
461 least a partial disassembling, excluding filter changes, and the  
462 installation of new pool/spa equipment, interior refinishing,  
463 the reinstallation or addition of pool heaters, the repair or  
464 replacement of all perimeter piping and filter piping, the  
465 repair of equipment rooms or housing for pool/spa equipment, and  
466 the substantial or complete draining of a swimming pool, or hot  
467 tub or spa, for the purpose of repair or renovation. The scope  
468 of such work does not include direct connections to a sanitary  
469 sewer system or to potable water lines. The installation,  
470 construction, modification, substantial or complete disassembly,  
471 or replacement of equipment permanently attached to and  
472 associated with the pool or spa for the purpose of water  
473 treatment or cleaning of the pool or spa requires licensure;  
474 however, the usage of such equipment for the purposes of water  
475 treatment or cleaning does not require licensure unless the  
476 usage involves construction, modification, substantial or

477 complete disassembly, or replacement of such equipment. Water  
478 treatment that does not require such equipment does not require  
479 a license. In addition, a license is not required for the  
480 cleaning of the pool or spa in a way that does not affect the  
481 structural integrity of the pool or spa or its associated  
482 equipment.

483 (m) "Plumbing contractor" means a contractor whose  
484 services are unlimited in the plumbing trade and includes  
485 contracting business consisting of the execution of contracts  
486 requiring the experience, financial means, knowledge, and skill  
487 to install, maintain, repair, alter, extend, or, if not  
488 prohibited by law, design plumbing. A plumbing contractor may  
489 install, maintain, repair, alter, extend, or, if not prohibited  
490 by law, design the following without obtaining an additional  
491 local regulatory license, certificate, or registration: sanitary  
492 drainage or storm drainage facilities, water and sewer plants  
493 and substations, venting systems, public or private water supply  
494 systems, septic tanks, drainage and supply wells, swimming pool  
495 piping, irrigation systems, and solar heating water systems and  
496 all appurtenances, apparatus, or equipment used in connection  
497 therewith, including boilers and pressure process piping and  
498 including the installation of water, natural gas, liquefied  
499 petroleum gas and related venting, and storm and sanitary sewer  
500 lines. The scope of work of the plumbing contractor also  
501 includes the design, if not prohibited by law, and installation,  
502 maintenance, repair, alteration, or extension of air-piping,  
503 vacuum line piping, oxygen line piping, nitrous oxide piping,  
504 and all related medical gas systems; fire line standpipes and

505 fire sprinklers if authorized by law; ink and chemical lines;  
506 fuel oil and gasoline piping and tank and pump installation,  
507 except bulk storage plants; and pneumatic control piping  
508 systems, all in a manner that complies with all plans,  
509 specifications, codes, laws, and regulations applicable. The  
510 scope of work of the plumbing contractor applies to private  
511 property and public property, including any excavation work  
512 incidental thereto, and includes the work of the specialty  
513 plumbing contractor. Such contractor shall subcontract, with a  
514 qualified contractor in the field concerned, all other work  
515 incidental to the work but which is specified as being the work  
516 of a trade other than that of a plumbing contractor. This  
517 definition does not limit the scope of work of any specialty  
518 contractor certified pursuant to s. 489.113(6), and does not  
519 require certification or registration under this part of a  
520 person licensed under chapter 527 or any authorized employee of  
521 a public natural gas utility or of a private natural gas utility  
522 regulated by the Public Service Commission when disconnecting  
523 and reconnecting water lines in the servicing or replacement of  
524 an existing water heater. A plumbing contractor may perform  
525 drain cleaning and clearing and install or repair rainwater  
526 catchment systems; however, a mandatory licensing requirement is  
527 not established for the performance of these specific services.

528 (n) "Underground utility and excavation contractor" means  
529 a contractor whose services are limited to the construction,  
530 installation, and repair, on public or private property, whether  
531 accomplished through open excavations or through other means,  
532 including, but not limited to, directional drilling, auger

533 boring, jacking and boring, trenchless technologies, wet and dry  
534 taps, grouting, and slip lining, of main sanitary sewer  
535 collection systems, main water distribution systems, storm sewer  
536 collection systems, and the continuation of utility lines from  
537 the main systems to a point of termination up to and including  
538 the meter location for the individual occupancy, sewer  
539 collection systems at property line on residential or single-  
540 occupancy commercial properties, or on multioccupancy properties  
541 at manhole or wye lateral extended to an invert elevation as  
542 engineered to accommodate future building sewers, water  
543 distribution systems, or storm sewer collection systems at storm  
544 sewer structures. However, an underground utility and excavation  
545 contractor may install empty underground conduits in rights-of-  
546 way, easements, platted rights-of-way in new site development,  
547 and sleeves for parking lot crossings no smaller than 2 inches  
548 in diameter if each conduit system installed is designed by a  
549 licensed professional engineer or an authorized employee of a  
550 municipality, county, or public utility and the installation of  
551 such conduit does not include installation of any conductor  
552 wiring or connection to an energized electrical system. An  
553 underground utility and excavation contractor may not install  
554 piping that is an integral part of a fire protection system as  
555 defined in s. 633.021 beginning at the point where the piping is  
556 used exclusively for such system.

557 (o) "Solar contractor" means a contractor whose services  
558 consist of the installation, alteration, repair, maintenance,  
559 relocation, or replacement of solar panels for potable solar  
560 water heating systems, swimming pool solar heating systems, and

561 photovoltaic systems and any appurtenances, apparatus, or  
562 equipment used in connection therewith, whether public, private,  
563 or otherwise, regardless of use. A contractor, certified or  
564 registered pursuant to this chapter, is not required to become a  
565 certified or registered solar contractor or to contract with a  
566 solar contractor in order to provide services enumerated in this  
567 paragraph that are within the scope of the services such  
568 contractors may render under this part.

569 (p) "Pollutant storage systems contractor" means a  
570 contractor whose services are limited to, and who has the  
571 experience, knowledge, and skill to install, maintain, repair,  
572 alter, extend, or design, if not prohibited by law, and use  
573 materials and items used in the installation, maintenance,  
574 extension, and alteration of, pollutant storage tanks. Any  
575 person installing a pollutant storage tank shall perform such  
576 installation in accordance with the standards adopted pursuant  
577 to s. 376.303.

578 (q) "Specialty contractor" means a contractor whose scope  
579 of work and responsibility is limited to a particular phase of  
580 construction established in a category adopted by board rule and  
581 whose scope is limited to a subset of the activities described  
582 in one of the paragraphs of this subsection.

583 Section 5. Paragraphs (c) and (f) of subsection (5) and  
584 subsection (6) of section 489.127, Florida Statutes, are amended  
585 to read:

586 489.127 Prohibitions; penalties.—

587 (5) Each county or municipality may, at its option,  
588 designate one or more of its code enforcement officers, as

589 defined in chapter 162, to enforce, as set out in this  
 590 subsection, the provisions of subsection (1) and s. 489.132(1)  
 591 against persons who engage in activity for which a county or  
 592 municipal certificate of competency or license or state  
 593 certification or registration is required.

594 (c) The local governing body of the county or municipality  
 595 may ~~is authorized to~~ enforce codes and ordinances against  
 596 unlicensed contractors under the provisions of this subsection  
 597 and may enact an ordinance establishing procedures for  
 598 implementing this subsection, including a schedule of penalties  
 599 to be assessed by the code enforcement officer. The maximum  
 600 civil penalty which may be levied may ~~shall~~ not exceed \$2,000  
 601 ~~\$500~~. Moneys collected pursuant to this subsection shall be  
 602 retained locally, as provided for by local ordinance, and may be  
 603 set aside in a specific fund to support future enforcement  
 604 activities against unlicensed contractors.

605 (f) If the enforcement or licensing board or designated  
 606 special magistrate finds that a violation exists, the  
 607 enforcement or licensing board or designated special magistrate  
 608 may order the violator to pay a civil penalty of not less than  
 609 the amount set forth on the citation but not more than \$1,500  
 610 ~~\$1,000~~ per day for each violation. In determining the amount of  
 611 the penalty, the enforcement or licensing board or designated  
 612 special magistrate shall consider the following factors:

- 613 1. The gravity of the violation.
- 614 2. Any actions taken by the violator to correct the  
 615 violation.
- 616 3. Any previous violations committed by the violator.

617 (6) Local building departments may collect outstanding  
618 fines against registered or certified contractors issued by the  
619 Construction Industry Licensing Board and may retain 75 ~~25~~  
620 percent of the fines they are able to collect, provided that  
621 they transmit 25 ~~75~~ percent of the fines they are able to  
622 collect to the department according to a procedure to be  
623 determined by the department.

624 Section 6. Paragraph (a) of subsection (7) of section  
625 489.131, Florida Statutes, is amended to read:

626 489.131 Applicability.—

627 (7) (a) It is the policy of the state that the purpose of  
628 regulation is to protect the public by attaining compliance with  
629 the policies established in law. Fines and other penalties are  
630 provided in order to ensure compliance; ~~however, the collection~~  
631 ~~of fines and the imposition of penalties are intended to be~~  
632 ~~secondary to the primary goal of attaining compliance with state~~  
633 ~~laws and local jurisdiction ordinances. It is the intent of the~~  
634 ~~Legislature that a local jurisdiction agency charged with~~  
635 ~~enforcing regulatory laws shall issue a notice of noncompliance~~  
636 ~~as its first response to a minor violation of a regulatory law~~  
637 ~~in any instance in which it is reasonable to assume that the~~  
638 ~~violator was unaware of such a law or unclear as to how to~~  
639 ~~comply with it. A violation of a regulatory law is a "minor~~  
640 ~~violation" if it does not result in economic or physical harm to~~  
641 ~~a person or adversely affect the public health, safety, or~~  
642 ~~welfare or create a significant threat of such harm. A "notice~~  
643 ~~of noncompliance" is a notification by the local jurisdiction~~  
644 ~~agency charged with enforcing the ordinance, which is issued to~~

645 | ~~the licensee that is subject to the ordinance. A notice of~~  
 646 | ~~noncompliance should not be accompanied with a fine or other~~  
 647 | ~~disciplinary penalty. It should identify the specific ordinance~~  
 648 | ~~that is being violated, provide information on how to comply~~  
 649 | ~~with the ordinance, and specify a reasonable time for the~~  
 650 | ~~violation to comply with the ordinance. Failure of a licensee to~~  
 651 | ~~take action correcting the violation within a set period of time~~  
 652 | ~~would then result in the institution of further disciplinary~~  
 653 | ~~proceedings.~~

654 | Section 7. Section 489.514, Florida Statutes, is amended  
 655 | to read:

656 | 489.514 Certification for registered contractors;  
 657 | grandfathering provisions.—

658 | (1) The board shall, upon receipt of a completed  
 659 | application, appropriate fee, and proof of compliance with the  
 660 | provisions of this section, issue:

661 | (a) To an applying registered electrical contractor, a  
 662 | certificate as an electrical contractor, as defined in s.  
 663 | 489.505(12); ~~or~~

664 | (b) To an applying registered alarm system contractor, a  
 665 | certificate in the matching alarm system contractor category, as  
 666 | defined in s. 489.505(2) (a) or (b); or

667 | (c) To an applying registered electrical specialty  
 668 | contractor, a certificate in the matching electrical specialty  
 669 | contractor category, as defined in s. 489.505(19).

670 | (2) Any contractor registered under this part who makes  
 671 | application under this section to the board shall meet each of  
 672 | the following requirements for certification:



673 (a) Currently holds a valid registered local license in  
674 the category of electrical contractor, alarm system contractor,  
675 or electrical specialty contractor.

676 (b) Has, for that category, passed a written, proctored  
677 examination that the board finds to be substantially similar to  
678 the examination required to be licensed as a certified  
679 contractor under this part. For purposes of this subsection, a  
680 written, proctored examination such as that produced by the  
681 National Assessment Institute, Block and Associates, NAI/Block,  
682 Experior Assessments, Professional Testing, Inc., or Assessment  
683 Systems, Inc., shall be considered to be substantially similar  
684 to the examination required to be licensed as a certified  
685 contractor. The board may not impose or make any requirements  
686 regarding the nature or content of these cited examinations.

687 (c) Has at least 5 years of experience as a contractor in  
688 that contracting category, or as an inspector or building  
689 administrator with oversight over that category, at the time of  
690 application. For contractors, only time periods in which the  
691 contractor license is active and the contractor is not on  
692 probation ~~shall~~ count toward the 5 years required under this  
693 subsection.

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

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

700 (3) An applicant must make application by November 1, 2015

701 ~~2004~~, to be licensed pursuant to this section.

702 Section 8. Paragraph (c) of subsection (4) of section  
703 489.531, Florida Statutes, is amended to read:

704 489.531 Prohibitions; penalties.—

705 (4) Each county or municipality may, at its option,  
706 designate one or more of its code enforcement officers, as  
707 defined in chapter 162, to enforce, as set out in this  
708 subsection, the provisions of subsection (1) against persons who  
709 engage in activity for which county or municipal certification  
710 is required.

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

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

724 553.73 Florida Building Code.—

725 (17) A provision ~~The provisions of section R313 of the~~  
726 ~~most current version~~ of the International Residential Code  
727 relating to mandated fire sprinklers may not be incorporated  
728 into the Florida Building Code as adopted by the Florida

729 Building Commission and may not be adopted as a local amendment  
730 to the Florida Building Code. This subsection does not prohibit  
731 the application of cost-saving incentives for residential fire  
732 sprinklers that are authorized in the International Residential  
733 Code upon a mutual agreement between the builder and the code  
734 official. This subsection does not apply to a local government  
735 that has a lawfully adopted ordinance relating to fire  
736 sprinklers which has been in effect since January 1, 2010.

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

739 553.74 Florida Building Commission.—

740 (1) The Florida Building Commission is created and located  
741 within the Department of Business and Professional Regulation  
742 for administrative purposes. Members are ~~shall be~~ appointed by  
743 the Governor subject to confirmation by the Senate. The  
744 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of  
745 the following:

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

750 (b) One structural engineer registered to practice in this  
751 state and actively engaged in the profession. The Florida  
752 Engineering Society is encouraged to recommend a list of  
753 candidates for consideration.

754 (c) One air-conditioning or mechanical contractor  
755 certified to do business in this state and actively engaged in  
756 the profession. The Florida Air Conditioning Contractors

757 Association, the Florida Refrigeration and Air Conditioning  
758 Contractors Association, and the Mechanical Contractors  
759 Association of Florida are encouraged to recommend a list of  
760 candidates for consideration.

761 (d) One electrical contractor certified to do business in  
762 this state and actively engaged in the profession. The Florida  
763 Electrical Contractors Association and the National Electrical  
764 Contractors Association, Florida Chapter, are encouraged to  
765 recommend a list of candidates for consideration.

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

771 (f) One general contractor certified to do business in  
772 this state and actively engaged in the profession. The  
773 Associated Builders and Contractors of Florida, the Florida  
774 Associated General Contractors Council, and the Union  
775 Contractors Association are encouraged to recommend a list of  
776 candidates for consideration.

777 (g) One plumbing contractor licensed to do business in  
778 this state and actively engaged in the profession. The Florida  
779 Association of Plumbing, Heating, and Cooling Contractors is  
780 encouraged to recommend a list of candidates for consideration.

781 (h) One roofing or sheet metal contractor certified to do  
782 business in this state and actively engaged in the profession.  
783 The Florida Roofing, Sheet Metal, and Air Conditioning  
784 Contractors Association and the Sheet Metal and Air Conditioning

785 Contractors National Association are encouraged to recommend a  
786 list of candidates for consideration.

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

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

796 (k) One member who represents the Department of Financial  
797 Services.

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

801 (m) One member of a Florida-based organization of persons  
802 with disabilities or a nationally chartered organization of  
803 persons with disabilities with chapters in this state.

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

808 (o) One mechanical or electrical engineer registered to  
809 practice in this state and actively engaged in the profession.  
810 The Florida Engineering Society is encouraged to recommend a  
811 list of candidates for consideration.

812 (p) One member who is a representative of a municipality

813 or a charter county. The Florida League of Cities and the  
814 Florida Association of Counties are encouraged to recommend a  
815 list of candidates for consideration.

816 (q) One member of the building products manufacturing  
817 industry who is authorized to do business in this state and is  
818 actively engaged in the industry. The Florida Building Material  
819 Association, the Florida Concrete and Products Association, and  
820 the Fenestration Manufacturers Association are encouraged to  
821 recommend a list of candidates for consideration.

822 (r) One member who is a representative of the building  
823 owners and managers industry who is actively engaged in  
824 commercial building ownership or management. The Building Owners  
825 and Managers Association is encouraged to recommend a list of  
826 candidates for consideration.

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

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

832 (u) One member who is a swimming pool contractor licensed  
833 to do business in this state and actively engaged in the  
834 profession. The Florida Swimming Pool Association and the United  
835 Pool and Spa Association are encouraged to recommend a list of  
836 candidates for consideration.

837 (v) One member who is a representative of the green  
838 building industry and who is a third-party commission agent, a  
839 Florida board member of the United States Green Building Council  
840 or Green Building Initiative, a professional who is accredited

841 under the International Green Construction Code (IGCC), or a  
842 professional who is accredited under Leadership in Energy and  
843 Environmental Design (LEED).

844 (w) One member who is a representative of a natural gas  
845 distribution system who is actively engaged in the distribution  
846 of natural gas in this state. The Florida Natural Gas  
847 Association is encouraged to recommend a list of candidates for  
848 consideration.

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

850

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

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

857 553.79 Permits; applications; issuance; inspections.—

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

863 Section 12. Paragraph (a) of subsection (5) of section  
864 553.842, Florida Statutes, is amended to read:

865 553.842 Product evaluation and approval.—

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

868 One of these methods must be used by the commission to approve

869 the following categories of products: panel walls, exterior  
870 doors, roofing, skylights, windows, shutters, and structural  
871 components as established by the commission by rule. A product  
872 may not be advertised, sold, offered, provided, distributed, or  
873 marketed as hurricane, windstorm, or impact protection from  
874 wind-borne debris from a hurricane or windstorm unless it is  
875 approved pursuant to this section or s. 553.8425. Any person who  
876 advertises, sells, offers, provides, distributes, or markets a  
877 product as hurricane, windstorm, or impact protection from wind-  
878 borne debris without such approval is subject to the Florida  
879 Deceptive and Unfair Trade Practices Act under part II of  
880 chapter 501 brought by the enforcing authority as defined in s.  
881 501.203.

882 (a) Products for which the code establishes standardized  
883 testing or comparative or rational analysis methods shall be  
884 approved by submittal and validation of one of the following  
885 reports or listings indicating that the product or method or  
886 system of construction was in compliance with the Florida  
887 Building Code and that the product or method or system of  
888 construction is, for the purpose intended, at least equivalent  
889 to that required by the Florida Building Code:

- 890 1. A certification mark or listing of an approved  
891 certification agency, which may be used only for products for  
892 which the code designates standardized testing;
- 893 2. A test report from an approved testing laboratory;
- 894 3. A product evaluation report based upon testing or  
895 comparative or rational analysis, or a combination thereof, from  
896 an approved product evaluation entity; or



897 4. A product evaluation report based upon testing or  
898 comparative or rational analysis, or a combination thereof,  
899 developed and signed and sealed by a professional engineer or  
900 architect, licensed in this state.

901  
902 A product evaluation report or a certification mark or listing  
903 of an approved certification agency which demonstrates that the  
904 product or method or system of construction complies with the  
905 Florida Building Code for the purpose intended is equivalent to  
906 a test report and test procedure referenced in the Florida  
907 Building Code. An application for state approval of a product  
908 under subparagraph 1. or subparagraph 3. must be approved by the  
909 department after the commission staff or a designee verifies  
910 that the application and related documentation are complete.  
911 This verification must be completed within 10 business days  
912 after receipt of the application. Upon approval by the  
913 department, the product shall be immediately added to the list  
914 of state-approved products maintained under subsection (13).  
915 Approvals by the department shall be reviewed and ratified by  
916 the commission's program oversight committee except for a  
917 showing of good cause that a review by the full commission is  
918 necessary. The commission shall adopt rules providing means to  
919 cure deficiencies identified within submittals for products  
920 approved under this paragraph.

921 Section 13. Section 553.901, Florida Statutes, is amended  
922 to read:

923 553.901 Purpose of thermal efficiency code.—The Department  
924 of Business and Professional Regulation shall prepare a thermal

925 efficiency code to provide for a statewide uniform standard for  
 926 energy efficiency in the thermal design and operation of all  
 927 buildings statewide, consistent with energy conservation goals,  
 928 and to best provide for public safety, health, and general  
 929 welfare. The Florida Building Commission shall adopt the Florida  
 930 Building Code-Energy Conservation ~~Energy Efficiency Code for~~  
 931 ~~Building Construction within the Florida Building Code~~, and  
 932 shall modify, revise, update, and maintain the code to implement  
 933 the provisions of this thermal efficiency code and amendments  
 934 thereto, in accordance with the procedures of chapter 120. The  
 935 department shall, at least triennially, determine the most cost-  
 936 effective energy-saving equipment and techniques available and  
 937 report its determinations to the commission, which shall update  
 938 the code to incorporate such equipment and techniques. The  
 939 proposed changes shall be made available for public review and  
 940 comment no later than 6 months before ~~prior to~~ code  
 941 implementation. The term "cost-effective," as used in ~~for the~~  
 942 ~~purposes of this part~~, means ~~shall be construed to mean~~ cost-  
 943 effective to the consumer.

944 Section 14. Section 553.902, Florida Statutes, is  
 945 reordered and amended to read:

946 553.902 Definitions.-As used in ~~For the purposes of this~~  
 947 part, the term:

948 (1) ~~(6)~~ "Energy performance level" means the indicator of  
 949 the energy-related performance of a building, including, but not  
 950 limited to, the levels of insulation, the amount and type of  
 951 glass, and the HVAC and water heating system efficiencies.

952 (2) ~~(1)~~ "Exempted building" means:

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

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

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

961 (d) A ~~Any~~ historical building as described in s.  
 962 267.021(3).

963  
 964 The Florida Building Commission may recommend to the Legislature  
 965 additional types of buildings which should be exempted from  
 966 compliance with the Florida Building Code-Energy Conservation  
 967 ~~Energy Efficiency Code for Building Construction~~.

968 (3) ~~(5)~~ "Exterior envelope physical characteristics" means  
 969 the physical nature of those elements of a building which  
 970 enclose conditioned spaces through which energy may be  
 971 transferred to or from the exterior.

972 (4) ~~(2)~~ "HVAC" means a system of heating, ventilating, and  
 973 air-conditioning.

974 (5) ~~(4)~~ "Local enforcement agency" means the agency of  
 975 local government which has the authority to make inspections of  
 976 buildings and to enforce the Florida Building Code. The term ~~It~~  
 977 includes any agency within the definition of s. 553.71(5).

978 (6) ~~(3)~~ "Renovated building" means a residential or  
 979 nonresidential building undergoing alteration that varies or  
 980 changes insulation, HVAC systems, water heating systems, or

981 exterior envelope conditions, if ~~provided~~ the estimated cost of  
 982 renovation exceeds 30 percent of the assessed value of the  
 983 structure.

984 Section 15. Section 553.903, Florida Statutes, is amended  
 985 to read:

986 553.903 Applicability.—This part applies ~~shall apply~~ to  
 987 all new and renovated buildings in the state, except exempted  
 988 buildings, for which building permits are obtained after March  
 989 15, 1979, and to the installation or replacement of building  
 990 systems and components with new products for which thermal  
 991 efficiency standards are set by the Florida Building Code-Energy  
 992 Conservation ~~Energy Efficiency Code for Building Construction~~.  
 993 The provisions of this part shall constitute a statewide uniform  
 994 code.

995 Section 16. Section 553.904, Florida Statutes, is amended  
 996 to read:

997 553.904 Thermal efficiency standards for new  
 998 nonresidential buildings.—Thermal designs and operations for new  
 999 nonresidential buildings for which building permits are obtained  
 1000 after March 15, 1979, must ~~shall~~ at a minimum take into account  
 1001 exterior envelope physical characteristics, including thermal  
 1002 mass; HVAC, service water heating, energy distribution,  
 1003 lighting, energy managing, and auxiliary systems design and  
 1004 selection; and HVAC, service water heating, energy distribution,  
 1005 lighting, energy managing, and auxiliary equipment performance,  
 1006 and are ~~shall~~ not be required to meet standards more stringent  
 1007 than the provisions of the Florida Building Code-Energy  
 1008 Conservation ~~Energy Efficiency Code for Building Construction~~.

1009 Section 17. Section 553.905, Florida Statutes, is amended  
 1010 to read:

1011 553.905 Thermal efficiency standards for new residential  
 1012 buildings.—Thermal designs and operations for new residential  
 1013 buildings for which building permits are obtained after March  
 1014 15, 1979, must ~~shall~~ at a minimum take into account exterior  
 1015 envelope physical characteristics, HVAC system selection and  
 1016 configuration, HVAC equipment performance, and service water  
 1017 heating design and equipment selection and are ~~shall~~ not ~~be~~  
 1018 required to meet standards more stringent than the provisions of  
 1019 the Florida Building Code-Energy Conservation ~~Energy Efficiency~~  
 1020 ~~Code for Building Construction~~. HVAC equipment mounted in an  
 1021 attic or a garage is ~~shall~~ not ~~be~~ required to have supplemental  
 1022 insulation in addition to that installed by the manufacturer.  
 1023 All new residential buildings, except those herein exempted,  
 1024 must ~~shall~~ have insulation in ceilings rated at R-19 or more,  
 1025 space permitting. Thermal efficiency standards do not apply to a  
 1026 building of less than 1,000 square feet which is not primarily  
 1027 used as a principal residence and which is constructed and owned  
 1028 by a natural person for hunting or similar recreational  
 1029 purposes; however, ~~no~~ such person may not build more than one  
 1030 exempt building in any 12-month period.

1031 Section 18. Section 553.906, Florida Statutes, is amended  
 1032 to read:

1033 553.906 Thermal efficiency standards for renovated  
 1034 buildings.—Thermal designs and operations for renovated  
 1035 buildings for which building permits are obtained after March  
 1036 15, 1979, must ~~shall~~ take into account insulation; windows;

1037 infiltration; and HVAC, service water heating, energy  
 1038 distribution, lighting, energy managing, and auxiliary systems  
 1039 design and equipment selection and performance. Such buildings  
 1040 are ~~shall~~ not be required to meet standards more stringent than  
 1041 the provisions of the Florida Building Code-Energy Conservation  
 1042 ~~Energy Efficiency Code for Building Construction~~. These  
 1043 standards apply only to those portions of the structure which  
 1044 are actually renovated.

1045 Section 19. Section 553.912, Florida Statutes, is amended  
 1046 to read:

1047 553.912 Air conditioners.—All air conditioners that are  
 1048 sold or installed in the state must ~~shall~~ meet the minimum  
 1049 efficiency ratings of the Florida Energy Efficiency Code for  
 1050 Building Construction. These efficiency ratings must ~~shall~~ be  
 1051 minimums and may be updated in the Florida Building Code-Energy  
 1052 Conservation ~~Energy Efficiency Code for Building Construction~~ by  
 1053 the department in accordance with s. 553.901, following its  
 1054 determination that more cost-effective energy-saving equipment  
 1055 and techniques are available. It is the intent of the  
 1056 Legislature that all replacement air-conditioning systems be  
 1057 installed using energy-saving, quality installation procedures,  
 1058 including, but not limited to, equipment sizing analysis and  
 1059 duct inspection. Notwithstanding this section, existing heating  
 1060 and cooling equipment in residential applications need not meet  
 1061 the minimum equipment efficiencies, except to preserve the  
 1062 original approval or listing of the equipment.

1063 Section 20. Section 553.991, Florida Statutes, is amended  
 1064 to read:

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1065           553.991 Purpose.—The purpose of this part is to provide  
 1066 for a statewide oversight of ~~uniform system for~~ rating systems  
 1067 for the energy efficiency of buildings. It is in the interest of  
 1068 the state to encourage energy efficiency ~~the consideration of~~  
 1069 ~~the energy efficiency rating system~~ in the market so as to  
 1070 provide market rewards for energy-efficient buildings and to  
 1071 those persons or companies designing, building, or selling  
 1072 energy-efficient buildings.

1073           Section 21. Section 553.992, Florida Statutes, is amended  
 1074 to read:

1075           553.992 Adoption of rating system criteria.—The Department  
 1076 of Business and Professional Regulation shall adopt, update, ~~and~~  
 1077 maintain, and administer a statewide criteria for a ~~uniform~~  
 1078 building energy-efficiency rating system to implement the  
 1079 provisions of this part and amendments thereto in accordance  
 1080 with the procedures of chapter 120 and shall, upon the request  
 1081 of any builder, designer, rater, or owner of a building, issue  
 1082 nonbinding interpretations, clarifications, and opinions  
 1083 concerning the application and use of the building energy-  
 1084 efficiency ~~energy~~ rating system under rules that the department  
 1085 adopts in accordance with chapter 120. Department rules must  
 1086 prohibit a sole provider from conducting functions relating to  
 1087 the building energy-efficiency rating system, including energy  
 1088 rating, energy testing, certification of energy raters, and  
 1089 training.

1090           Section 22. Section 553.993, Florida Statutes, is amended  
 1091 to read:

1092           553.993 Definitions.—For purposes of this part:

1093 (1) "Acquisition" means to gain the sole or partial use of  
 1094 a building through a purchase agreement.

1095 (2) "Builder" means the primary contractor who possesses  
 1096 the requisite skill, knowledge, and experience, and has the  
 1097 responsibility, to supervise, direct, manage, and control the  
 1098 contracting activities of the business organization with which  
 1099 she or he is connected and who has the responsibility to  
 1100 supervise, direct, manage, and control the construction work on  
 1101 a job for which she or he has obtained the building permit.  
 1102 Construction work includes, but is not limited to, foundation,  
 1103 framing, wiring, plumbing, and finishing work.

1104 (3) "Building energy-efficiency rating system" means a  
 1105 whole building energy evaluation system established by the  
 1106 Residential Energy Services Network, the Commercial Energy  
 1107 Services Network, the Building Performance Institute, the  
 1108 Florida Solar Energy Center, or a nationally recognized rating  
 1109 system approved by the department.

1110 (4)~~(3)~~ "Designer" means the architect, engineer, landscape  
 1111 architect, builder, interior designer, or other person who  
 1112 performs the actual design work or under whose direct  
 1113 supervision and responsible charge the construction documents  
 1114 are prepared.

1115 (5) "Energy auditor" means a trained and certified  
 1116 professional who conducts energy evaluations of an existing  
 1117 building and uses tools to identify the building's current  
 1118 energy usage and the condition of the building and equipment.

1119 (6) "Energy-efficiency rating" means an unbiased  
 1120 indication of a building's relative energy efficiency based on



1121 consistent inspection procedures, operating assumptions, climate  
1122 data, and calculation methods.

1123 (7) "Energy rater" means an individual certified by the  
1124 state to perform building energy-efficiency ratings for the  
1125 building type and in the rating class for which the rater is  
1126 certified.

1127 (8)-(4) "New building" means commercial occupancy buildings  
1128 permitted for construction after January 1, 1995, and  
1129 residential occupancy buildings permitted for construction after  
1130 January 1, 1994.

1131 (9)-(5) "Public building" means a building comfort-  
1132 conditioned for occupancy that is owned or leased by the state,  
1133 a state agency, or a governmental subdivision, including, but  
1134 not limited to, a city, county, or school district.

1135 Section 23. Section 553.995, Florida Statutes, is amended  
1136 to read:

1137 553.995 Energy-efficiency ratings for buildings.—

1138 (1) The building energy-efficiency rating system must  
1139 ~~shall~~ at a minimum:

1140 ~~(a) Provide a uniform rating scale of the efficiency of~~  
1141 ~~buildings based on annual energy usage.~~

1142 (a)-(b) Take into account local climate conditions,  
1143 construction practices, and building use.

1144 (b)-(e) Be compatible with standard federal rating systems  
1145 and state building codes and standards, where applicable, and  
1146 shall satisfy the requirements of s. 553.9085 with respect to  
1147 residential buildings and s. 255.256 with respect to state  
1148 buildings.

1149           (2) Building ~~The~~ energy-efficiency rating systems ~~system~~  
 1150 adopted by the department must ~~shall~~ provide a means of  
 1151 analyzing ~~and comparing~~ the relative energy efficiency of  
 1152 buildings upon the sale of new or existing residential, public,  
 1153 or commercial buildings.

1154           (3) The department shall establish a voluntary working  
 1155 group of persons interested in the building energy-efficiency  
 1156 rating system or energy efficiency, including, but not limited  
 1157 to, such persons as electrical engineers, mechanical engineers,  
 1158 architects, public utilities, energy raters, and builders. The  
 1159 interest group shall advise the department in the adoption,  
 1160 administration, and oversight ~~development~~ of the building  
 1161 energy-efficiency rating system ~~and shall assist the department~~  
 1162 ~~in the implementation of the rating system by coordinating~~  
 1163 ~~educational programs for designers, builders, businesses, and~~  
 1164 ~~other interested persons to assist compliance and to facilitate~~  
 1165 ~~incorporation of the rating system into existing practices.~~

1166           (4) The department shall approve ~~develop~~ a training and  
 1167 certification program to certify raters. In addition to the  
 1168 department, ratings may be conducted by any local government or  
 1169 private entity if, ~~provided that~~ the appropriate persons have  
 1170 completed the necessary training and have been certified by the  
 1171 department. The Department of Management Services shall rate  
 1172 state-owned or state-leased buildings if, ~~provided that~~ the  
 1173 appropriate persons have completed the necessary training and  
 1174 have been certified by the Department of Business and  
 1175 Professional Regulation. A state agency that ~~which~~ has building  
 1176 construction regulation authority may rate its own buildings and

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1177 those it is responsible for, if the appropriate persons have  
1178 completed the necessary training and have been certified by the  
1179 Department of Business and Professional Regulation. The  
1180 Department of Business and Professional Regulation may charge a  
1181 fee not to exceed the costs for the training and certification  
1182 of raters. The department shall by rule set the appropriate  
1183 charges for raters to charge for energy ratings, not to exceed  
1184 the actual costs.

1185 Section 24. The sums of \$119,618 in recurring funds and  
1186 \$263,143 in nonrecurring funds are appropriated from the  
1187 Professional Regulation Trust to the Department of Business and  
1188 Professional Regulation for the implementation of this act  
1189 during the 2013-2014 fiscal year.

1190 Section 25. This act shall take effect July 1, 2013.