

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           ss. 255.20 and 255.2575, F.S.; requiring public  
6           construction works contracts to include specified  
7           information; amending s. 255.257, F.S.; requiring  
8           state agencies to use a sustainable building rating  
9           system or a national model green building code for new  
10          buildings and renovations; amending s. 381.0065, F.S.;  
11          specifying that certain actions relating to onsite  
12          sewage treatment and removal are not required if a  
13          bedroom is not added during a remodeling addition or  
14          modification to a single-family home; prohibiting a  
15          remodeling addition or modification from certain  
16          coverage or encroachment; authorizing a local health  
17          board to review specific plans; requiring a review to  
18          be completed within a specific time period after  
19          receipt of specific plans; amending s. 489.105, F.S.;  
20          revising definitions; providing legislative intent  
21          with respect to the applicability of certain  
22          amendments to s. 489.113(2), F.S.; providing for  
23          retroactive effect; amending s. 489.127, F.S.;  
24          revising civil penalties; authorizing a local building  
25          department to retain 75 percent of certain fines  
26          collected if it transmits 25 percent to the Department  
27          of Business and Professional Regulation; amending s.  
28          489.131, F.S.; deleting legislative intent referring

29 to a local agency's enforcement of regulatory laws;  
30 deleting the definitions of "minor violation" and  
31 "notice of noncompliance"; deleting provisions that  
32 provide for what a notice of noncompliance should or  
33 should not include; deleting a provision that provides  
34 for further disciplinary proceedings for certain  
35 licensees; amending s. 489.514, F.S.; extending the  
36 date by which an applicant must make application for a  
37 contracting license to be grandfathered; amending s.  
38 489.531, F.S.; revising a maximum civil penalty;  
39 amending s. 553.71, F.S.; defining the term "local  
40 technical amendment"; amending s. 553.73, F.S.;

41 prohibiting any provision of the International  
42 Residential Code relating to mandated fire sprinklers  
43 from incorporation into the Florida Building Code;  
44 amending s. 553.74, F.S.; revising the membership of  
45 the Florida Building Commission; amending s. 553.79,  
46 F.S.; conforming a cross-reference; authorizing a site  
47 plan to be maintained at the worksite as an electronic  
48 copy; requiring the copy to be open to inspection by  
49 certain officials; amending s. 553.842, F.S.;

50 requiring statewide approval of impact protective  
51 systems by the commission; requiring an application  
52 for state approval of a certain product to be approved  
53 by the department after the application and related  
54 documentation are complete; amending ss. 553.901,  
55 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.;

56 requiring the Florida Building Commission to adopt the

57 Florida Building Code—Energy Conservation; conforming  
58 subsequent sections of the thermal efficiency code;  
59 amending s. 553.912, F.S.; requiring replacement air  
60 conditioning systems in residential applications to  
61 use energy-saving quality installation procedures;  
62 providing that certain existing heating and cooling  
63 equipment is not required to meet the minimum  
64 equipment efficiencies; amending s. 553.991, F.S.;  
65 revising the purpose of the Florida Building Energy-  
66 Efficiency Rating Act; repealing s. 553.992, F.S.,  
67 relating to the adoption of a statewide uniform  
68 building energy-efficiency rating system; amending s.  
69 553.993, F.S.; providing definitions; amending s.  
70 553.994, F.S.; providing for applicability of building  
71 energy-efficiency rating systems; amending s. 553.995,  
72 F.S.; revising requirements for building energy-  
73 efficiency rating systems; deleting provisions related  
74 to an advisory working group; revising requirements  
75 for the training and certification of persons who  
76 conduct the energy efficiency ratings; amending s.  
77 553.996, F.S.; requiring building energy-efficiency  
78 rating system providers to provide certain information  
79 to prospective purchasers; amending s. 553.997, F.S.;  
80 deleting requirement that the department participate  
81 in making certain energy-efficiency practices  
82 information available on behalf of other state  
83 agencies; amending s. 553.998, F.S.; revising  
84 provisions relating to the certification of energy

85 efficiency ratings for compliance; providing for  
86 concrete masonry products research, education, and  
87 promotion; providing a short title; creating the  
88 Florida Concrete Masonry Council, Inc.; providing the  
89 powers and duties of the council and restrictions upon  
90 actions of the council; authorizing the council to  
91 develop and collect a self-imposed voluntary  
92 assessment on each concrete masonry unit; providing  
93 for the appointment of the governing board of the  
94 council; authorizing the reimbursement of board  
95 members for travel expenses; providing for the  
96 election of officers by the council; requiring the  
97 initial board of directors to adopt bylaws;  
98 authorizing the council to accept grants, donations,  
99 contributions, and gifts under certain circumstances;  
100 authorizing the council to make payments to other  
101 organizations; providing procedure and requirements  
102 for the collection of assessments by manufacturers;  
103 requiring the council to adopt bylaws by a specified  
104 date; providing an appropriation; providing an  
105 effective date.

106  
107 Be It Enacted by the Legislature of the State of Florida:

108  
109 Section 1. Section 162.12, Florida Statutes, is amended to  
110 read:

111 162.12 Notices.—

112 (1) All notices required by this part must be provided to

113 the alleged violator by:

114 (a) Certified mail, return receipt requested, to the  
 115 address listed in the tax collector's office for tax notices, or  
 116 to the address listed in the county property appraiser's  
 117 database. The local government may also provide an additional  
 118 notice to any other address it may find for ~~provided by the~~  
 119 ~~property owner in writing to the local government for the~~  
 120 ~~purpose of receiving notices.~~ For property owned by a  
 121 corporation, notices may be provided by certified mail to the  
 122 registered agent of the corporation. If any notice sent by  
 123 certified mail is not signed as received within 30 days after  
 124 the postmarked date of mailing, notice may be provided by  
 125 posting as described in subparagraphs (2) (b)1. and 2.;

126 (b) Hand delivery by the sheriff or other law enforcement  
 127 officer, code inspector, or other person designated by the local  
 128 governing body;

129 (c) Leaving the notice at the violator's usual place of  
 130 residence with any person residing therein who is above 15 years  
 131 of age and informing such person of the contents of the notice;  
 132 or

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

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

139 (a)1. Such notice shall be published once during each week  
 140 for 4 consecutive weeks (four publications being sufficient) in

141 a newspaper of general circulation in the county where the code  
142 enforcement board is located. The newspaper shall meet such  
143 requirements as are prescribed under chapter 50 for legal and  
144 official advertisements.

145 2. Proof of publication shall be made as provided in ss.  
146 50.041 and 50.051.

147 (b)1. In lieu of publication as described in paragraph  
148 (a), such notice may be posted at least 10 days prior to the  
149 hearing, or prior to the expiration of any deadline contained in  
150 the notice, in at least two locations, one of which shall be the  
151 property upon which the violation is alleged to exist and the  
152 other of which shall be, in the case of municipalities, at the  
153 primary municipal government office, and in the case of  
154 counties, at the front door of the courthouse or the main county  
155 governmental center in said county.

156 2. Proof of posting shall be by affidavit of the person  
157 posting the notice, which affidavit shall include a copy of the  
158 notice posted and the date and places of its posting.

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

162  
163 Evidence that an attempt has been made to hand deliver or mail  
164 notice as provided in subsection (1), together with proof of  
165 publication or posting as provided in subsection (2), shall be  
166 sufficient to show that the notice requirements of this part  
167 have been met, without regard to whether or not the alleged  
168 violator actually received such notice.

169 Section 2. Subsection (3) of section 255.20, Florida  
 170 Statutes, is amended to read:

171 255.20 Local bids and contracts for public construction  
 172 works; specification of state-produced lumber.—

173 (3) (a) All county officials, boards of county  
 174 commissioners, school boards, city councils, city commissioners,  
 175 and all other public officers of state boards or commissions  
 176 that are charged with the letting of contracts for public work,  
 177 for the construction of public bridges, buildings, and other  
 178 structures must specify in the contract lumber, timber, and  
 179 other forest products produced and manufactured in this state if  
 180 wood is a component of the public work and such products are  
 181 available with equal ~~and their~~ price, fitness, and quality ~~are~~  
 182 equal.

183 (b) Paragraph (a) ~~This subsection~~ does not apply to:

184 1. Plywood specified for monolithic concrete forms.~~7~~

185 2. Jobs with ~~if the~~ structural or service requirements for  
 186 timber that ~~for a particular job~~ cannot be supplied by native  
 187 species.~~7~~ ~~or if the~~

188 3. Construction projects ~~is~~ financed in whole or in part  
 189 from federal funds with the requirement that there be no  
 190 restrictions as to species or place of manufacture.

191 4. Transportation projects for which federal aid funds are  
 192 available.

193 Section 3. Subsection (4) is added to section 255.2575,  
 194 Florida Statutes, to read:

195 255.2575 Energy-efficient and sustainable buildings.—

196 (4) (a) All state agencies, county officials, boards of

197 county commissioners, school boards, city councils, city  
 198 commissioners, and all other public officers of state boards or  
 199 commissions that are charged with the letting of contracts for  
 200 public work, for the construction of public bridges, buildings,  
 201 and other structures must specify in the contract lumber,  
 202 timber, and other forest products produced and manufactured in  
 203 this state if wood is a component of the public work and such  
 204 products are available with equal price, fitness, and quality.

205 (b) Paragraph (a) does not apply to:

206 1. Plywood specified for monolithic concrete forms.

207 2. Jobs with structural or service requirements for timber  
 208 that cannot be supplied by native species.

209 3. Construction projects financed in whole or in part from  
 210 federal funds with the requirement that there be no restrictions  
 211 as to species or place of manufacture.

212 4. Transportation projects for which federal aid funds are  
 213 available.

214 Section 4. Paragraph (a) of subsection (4) of section  
 215 255.257, Florida Statutes, is amended to read:

216 255.257 Energy management; buildings occupied by state  
 217 agencies.—

218 (4) ADOPTION OF STANDARDS.—

219 (a) Each ~~All~~ state agency ~~agencies~~ shall use ~~adopt~~ a  
 220 sustainable building rating system or ~~use~~ a national model green  
 221 building code for each ~~all~~ new building ~~buildings~~ and renovation  
 222 ~~renovations~~ to an existing building ~~buildings~~.

223 Section 5. Paragraph (aa) of subsection (4) of section  
 224 381.0065, Florida Statutes, is amended to read:



225 |           381.0065 Onsite sewage treatment and disposal systems;  
226 | regulation.—

227 |           (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
228 | not construct, repair, modify, abandon, or operate an onsite  
229 | sewage treatment and disposal system without first obtaining a  
230 | permit approved by the department. The department may issue  
231 | permits to carry out this section, but shall not make the  
232 | issuance of such permits contingent upon prior approval by the  
233 | Department of Environmental Protection, except that the issuance  
234 | of a permit for work seaward of the coastal construction control  
235 | line established under s. 161.053 shall be contingent upon  
236 | receipt of any required coastal construction control line permit  
237 | from the Department of Environmental Protection. A construction  
238 | permit is valid for 18 months from the issuance date and may be  
239 | extended by the department for one 90-day period under rules  
240 | adopted by the department. A repair permit is valid for 90 days  
241 | from the date of issuance. An operating permit must be obtained  
242 | prior to the use of any aerobic treatment unit or if the  
243 | establishment generates commercial waste. Buildings or  
244 | establishments that use an aerobic treatment unit or generate  
245 | commercial waste shall be inspected by the department at least  
246 | annually to assure compliance with the terms of the operating  
247 | permit. The operating permit for a commercial wastewater system  
248 | is valid for 1 year from the date of issuance and must be  
249 | renewed annually. The operating permit for an aerobic treatment  
250 | unit is valid for 2 years from the date of issuance and must be  
251 | renewed every 2 years. If all information pertaining to the  
252 | siting, location, and installation conditions or repair of an

253 onsite sewage treatment and disposal system remains the same, a  
254 construction or repair permit for the onsite sewage treatment  
255 and disposal system may be transferred to another person, if the  
256 transferee files, within 60 days after the transfer of  
257 ownership, an amended application providing all corrected  
258 information and proof of ownership of the property. There is no  
259 fee associated with the processing of this supplemental  
260 information. A person may not contract to construct, modify,  
261 alter, repair, service, abandon, or maintain any portion of an  
262 onsite sewage treatment and disposal system without being  
263 registered under part III of chapter 489. A property owner who  
264 personally performs construction, maintenance, or repairs to a  
265 system serving his or her own owner-occupied single-family  
266 residence is exempt from registration requirements for  
267 performing such construction, maintenance, or repairs on that  
268 residence, but is subject to all permitting requirements. A  
269 municipality or political subdivision of the state may not issue  
270 a building or plumbing permit for any building that requires the  
271 use of an onsite sewage treatment and disposal system unless the  
272 owner or builder has received a construction permit for such  
273 system from the department. A building or structure may not be  
274 occupied and a municipality, political subdivision, or any state  
275 or federal agency may not authorize occupancy until the  
276 department approves the final installation of the onsite sewage  
277 treatment and disposal system. A municipality or political  
278 subdivision of the state may not approve any change in occupancy  
279 or tenancy of a building that uses an onsite sewage treatment  
280 and disposal system until the department has reviewed the use of

281 the system with the proposed change, approved the change, and  
282 amended the operating permit.

283 (aa) An existing-system inspection or evaluation and  
284 assessment, or a modification, replacement, or upgrade of an  
285 onsite sewage treatment and disposal system is not required for  
286 a remodeling addition or modification to a single-family home if  
287 a bedroom is not added. However, a remodeling addition or  
288 modification to a single-family home may not cover any part of  
289 the existing system or encroach upon a required setback or the  
290 unobstructed area. To determine if a setback or the unobstructed  
291 area is impacted, the local health department shall review and  
292 verify a floor plan and site plan of the proposed remodeling  
293 addition or modification to the home submitted by a remodeler  
294 which shows the location of the system, including the distance  
295 of the remodeling addition or modification to the home from the  
296 onsite sewage treatment and disposal system. The local health  
297 department may visit the site or otherwise determine the best  
298 means of verifying the information submitted. A verification of  
299 the location of a system is not an inspection or evaluation and  
300 assessment of the system. The review and verification must be  
301 completed within 7 business days after receipt of a floor plan  
302 and site plan by the local health department. If the review and  
303 verification is not completed within such time, the remodeling  
304 addition or modification to the single-family home for the  
305 purposes of this paragraph is approved.

306 Section 6. Subsection (3) of section 489.105, Florida  
307 Statutes, is amended to read:

308 489.105 Definitions.—As used in this part:

309 (3) "Contractor" means the person who is qualified for,  
310 and is only responsible for, the project contracted for and  
311 means, except as exempted in this part, the person who, for  
312 compensation, undertakes to, submits a bid to, or does himself  
313 or herself or by others construct, repair, alter, remodel, add  
314 to, demolish, subtract from, or improve any building or  
315 structure, including related improvements to real estate, for  
316 others or for resale to others; and whose job scope is  
317 substantially similar to the job scope described in one of the  
318 paragraphs of this subsection. For the purposes of regulation  
319 under this part, the term "demolish" applies only to demolition  
320 of steel tanks more than 50 feet in height; towers more than 50  
321 feet in height; other structures more than 50 feet in height,  
322 other than buildings or residences more than three stories tall;  
323 and ~~all~~ buildings or residences more than three stories tall.  
324 Contractors are subdivided into two divisions, Division I,  
325 consisting of those contractors defined in paragraphs (a)-(c),  
326 and Division II, consisting of those contractors defined in  
327 paragraphs (d)-(q):

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

333 (b) "Building contractor" means a contractor whose  
334 services are limited to construction of commercial buildings and  
335 single-dwelling or multiple-dwelling residential buildings,  
336 which do not exceed three stories in height, and accessory use

337 structures in connection therewith or a contractor whose  
338 services are limited to remodeling, repair, or improvement of  
339 any size building if the services do not affect the structural  
340 members of the building.

341 (c) "Residential contractor" means a contractor whose  
342 services are limited to construction, remodeling, repair, or  
343 improvement of one-family, two-family, or three-family  
344 residences not exceeding two habitable stories above no more  
345 than one uninhabitable story and accessory use structures in  
346 connection therewith.

347 (d) "Sheet metal contractor" means a contractor whose  
348 services are unlimited in the sheet metal trade and who has the  
349 experience, knowledge, and skill necessary for the manufacture,  
350 fabrication, assembling, handling, erection, installation,  
351 dismantling, conditioning, adjustment, insulation, alteration,  
352 repair, servicing, or design, if not prohibited by law, of  
353 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
354 equivalent or lighter gauge and of other materials, including,  
355 but not limited to, fiberglass, used in lieu thereof and of air-  
356 handling systems, including the setting of air-handling  
357 equipment and reinforcement of same, the balancing of air-  
358 handling systems, and any duct cleaning and equipment sanitizing  
359 that requires at least a partial disassembling of the system.

360 (e) "Roofing contractor" means a contractor whose services  
361 are unlimited in the roofing trade and who has the experience,  
362 knowledge, and skill to install, maintain, repair, alter,  
363 extend, or design, if not prohibited by law, and use materials  
364 and items used in the installation, maintenance, extension, and

365 alteration of all kinds of roofing, waterproofing, and coating,  
366 except when coating is not represented to protect, repair,  
367 waterproof, stop leaks, or extend the life of the roof. The  
368 scope of work of a roofing contractor also includes skylights  
369 and any related work, required roof-deck attachments, and any  
370 repair or replacement of wood roof sheathing or fascia as needed  
371 during roof repair or replacement and any related work.

372 (f) "Class A air-conditioning contractor" means a  
373 contractor whose services are unlimited in the execution of  
374 contracts requiring the experience, knowledge, and skill to  
375 install, maintain, repair, fabricate, alter, extend, or design,  
376 if not prohibited by law, central air-conditioning,  
377 refrigeration, heating, and ventilating systems, including duct  
378 work in connection with a complete system if such duct work is  
379 performed by the contractor as necessary to complete an air-  
380 distribution system, boiler and unfired pressure vessel systems,  
381 and all appurtenances, apparatus, or equipment used in  
382 connection therewith, and any duct cleaning and equipment  
383 sanitizing that requires at least a partial disassembling of the  
384 system; to install, maintain, repair, fabricate, alter, extend,  
385 or design, if not prohibited by law, piping, insulation of  
386 pipes, vessels and ducts, pressure and process piping, and  
387 pneumatic control piping; to replace, disconnect, or reconnect  
388 power wiring on the load side of the dedicated existing  
389 electrical disconnect switch; to install, disconnect, and  
390 reconnect low voltage heating, ventilating, and air-conditioning  
391 control wiring; and to install a condensate drain from an air-  
392 conditioning unit to an existing safe waste or other approved

393 disposal other than a direct connection to a sanitary system.  
394 The scope of work for such contractor also includes any  
395 excavation work incidental thereto, but does not include any  
396 work such as liquefied petroleum or natural gas fuel lines  
397 within buildings, except for disconnecting or reconnecting  
398 changeouts of liquefied petroleum or natural gas appliances  
399 within buildings; potable water lines or connections thereto;  
400 sanitary sewer lines; swimming pool piping and filters; or  
401 electrical power wiring. A Class A air-conditioning contractor  
402 may test and evaluate central air-conditioning, refrigeration,  
403 heating, and ventilating systems, including duct work; however,  
404 a mandatory licensing requirement is not established for the  
405 performance of these specific services.

406 (g) "Class B air-conditioning contractor" means a  
407 contractor whose services are limited to 25 tons of cooling and  
408 500,000 Btu of heating in any one system in the execution of  
409 contracts requiring the experience, knowledge, and skill to  
410 install, maintain, repair, fabricate, alter, extend, or design,  
411 if not prohibited by law, central air-conditioning,  
412 refrigeration, heating, and ventilating systems, including duct  
413 work in connection with a complete system only to the extent  
414 such duct work is performed by the contractor as necessary to  
415 complete an air-distribution system being installed under this  
416 classification, and any duct cleaning and equipment sanitizing  
417 that requires at least a partial disassembling of the system; to  
418 install, maintain, repair, fabricate, alter, extend, or design,  
419 if not prohibited by law, piping and insulation of pipes,  
420 vessels, and ducts; to replace, disconnect, or reconnect power

421 wiring on the load side of the dedicated existing electrical  
422 disconnect switch; to install, disconnect, and reconnect low  
423 voltage heating, ventilating, and air-conditioning control  
424 wiring; and to install a condensate drain from an air-  
425 conditioning unit to an existing safe waste or other approved  
426 disposal other than a direct connection to a sanitary system.  
427 The scope of work for such contractor also includes any  
428 excavation work incidental thereto, but does not include any  
429 work such as liquefied petroleum or natural gas fuel lines  
430 within buildings, except for disconnecting or reconnecting  
431 changeouts of liquefied petroleum or natural gas appliances  
432 within buildings; potable water lines or connections thereto;  
433 sanitary sewer lines; swimming pool piping and filters; or  
434 electrical power wiring. A Class B air-conditioning contractor  
435 may test and evaluate central air-conditioning, refrigeration,  
436 heating, and ventilating systems, including duct work; however,  
437 a mandatory licensing requirement is not established for the  
438 performance of these specific services.

439 (h) "Class C air-conditioning contractor" means a  
440 contractor whose business is limited to the servicing of air-  
441 conditioning, heating, or refrigeration systems, including any  
442 duct cleaning and equipment sanitizing that requires at least a  
443 partial disassembling of the system, and whose certification or  
444 registration, issued pursuant to this part, was valid on October  
445 1, 1988. Only a person who was registered or certified as a  
446 Class C air-conditioning contractor as of October 1, 1988, shall  
447 be so registered or certified after October 1, 1988. However,  
448 the board shall continue to license and regulate those Class C



449 air-conditioning contractors who held Class C licenses before  
450 October 1, 1988.

451 (i) "Mechanical contractor" means a contractor whose  
452 services are unlimited in the execution of contracts requiring  
453 the experience, knowledge, and skill to install, maintain,  
454 repair, fabricate, alter, extend, or design, if not prohibited  
455 by law, central air-conditioning, refrigeration, heating, and  
456 ventilating systems, including duct work in connection with a  
457 complete system if such duct work is performed by the contractor  
458 as necessary to complete an air-distribution system, boiler and  
459 unfired pressure vessel systems, lift station equipment and  
460 piping, and all appurtenances, apparatus, or equipment used in  
461 connection therewith, and any duct cleaning and equipment  
462 sanitizing that requires at least a partial disassembling of the  
463 system; to install, maintain, repair, fabricate, alter, extend,  
464 or design, if not prohibited by law, piping, insulation of  
465 pipes, vessels and ducts, pressure and process piping, pneumatic  
466 control piping, gasoline tanks and pump installations and piping  
467 for same, standpipes, air piping, vacuum line piping, oxygen  
468 lines, nitrous oxide piping, ink and chemical lines, fuel  
469 transmission lines, liquefied petroleum gas lines within  
470 buildings, and natural gas fuel lines within buildings; to  
471 replace, disconnect, or reconnect power wiring on the load side  
472 of the dedicated existing electrical disconnect switch; to  
473 install, disconnect, and reconnect low voltage heating,  
474 ventilating, and air-conditioning control wiring; and to install  
475 a condensate drain from an air-conditioning unit to an existing  
476 safe waste or other approved disposal other than a direct

477 connection to a sanitary system. The scope of work for such  
478 contractor also includes any excavation work incidental thereto,  
479 but does not include any work such as potable water lines or  
480 connections thereto, sanitary sewer lines, swimming pool piping  
481 and filters, or electrical power wiring. A mechanical contractor  
482 may test and evaluate central air-conditioning, refrigeration,  
483 heating, and ventilating systems, including duct work; however,  
484 a mandatory licensing requirement is not established for the  
485 performance of these specific services.

486 (j) "Commercial pool/spa contractor" means a contractor  
487 whose scope of work involves, but is not limited to, the  
488 construction, repair, and servicing of any swimming pool, or hot  
489 tub or spa, whether public, private, or otherwise, regardless of  
490 use. The scope of work includes the installation, repair, or  
491 replacement of existing equipment, any cleaning or equipment  
492 sanitizing that requires at least a partial disassembling,  
493 excluding filter changes, and the installation of new pool/spa  
494 equipment, interior finishes, the installation of package pool  
495 heaters, the installation of all perimeter piping and filter  
496 piping, and the construction of equipment rooms or housing for  
497 pool/spa equipment, and also includes the scope of work of a  
498 swimming pool/spa servicing contractor. The scope of such work  
499 does not include direct connections to a sanitary sewer system  
500 or to potable water lines. The installation, construction,  
501 modification, or replacement of equipment permanently attached  
502 to and associated with the pool or spa for the purpose of water  
503 treatment or cleaning of the pool or spa requires licensure;  
504 however, the usage of such equipment for the purposes of water

505 treatment or cleaning does not require licensure unless the  
506 usage involves construction, modification, or replacement of  
507 such equipment. Water treatment that does not require such  
508 equipment does not require a license. In addition, a license is  
509 not required for the cleaning of the pool or spa in a way that  
510 does not affect the structural integrity of the pool or spa or  
511 its associated equipment.

512 (k) "Residential pool/spa contractor" means a contractor  
513 whose scope of work involves, but is not limited to, the  
514 construction, repair, and servicing of a residential swimming  
515 pool, or hot tub or spa, regardless of use. The scope of work  
516 includes the installation, repair, or replacement of existing  
517 equipment, any cleaning or equipment sanitizing that requires at  
518 least a partial disassembling, excluding filter changes, and the  
519 installation of new pool/spa equipment, interior finishes, the  
520 installation of package pool heaters, the installation of all  
521 perimeter piping and filter piping, and the construction of  
522 equipment rooms or housing for pool/spa equipment, and also  
523 includes the scope of work of a swimming pool/spa servicing  
524 contractor. The scope of such work does not include direct  
525 connections to a sanitary sewer system or to potable water  
526 lines. The installation, construction, modification, or  
527 replacement of equipment permanently attached to and associated  
528 with the pool or spa for the purpose of water treatment or  
529 cleaning of the pool or spa requires licensure; however, the  
530 usage of such equipment for the purposes of water treatment or  
531 cleaning does not require licensure unless the usage involves  
532 construction, modification, or replacement of such equipment.

533 Water treatment that does not require such equipment does not  
534 require a license. In addition, a license is not required for  
535 the cleaning of the pool or spa in a way that does not affect  
536 the structural integrity of the pool or spa or its associated  
537 equipment.

538 (1) "Swimming pool/spa servicing contractor" means a  
539 contractor whose scope of work involves, but is not limited to,  
540 the repair and servicing of a swimming pool, or hot tub or spa,  
541 whether public or private, or otherwise, regardless of use. The  
542 scope of work includes the repair or replacement of existing  
543 equipment, any cleaning or equipment sanitizing that requires at  
544 least a partial disassembling, excluding filter changes, and the  
545 installation of new pool/spa equipment, interior refinishing,  
546 the reinstallation or addition of pool heaters, the repair or  
547 replacement of all perimeter piping and filter piping, the  
548 repair of equipment rooms or housing for pool/spa equipment, and  
549 the substantial or complete draining of a swimming pool, or hot  
550 tub or spa, for the purpose of repair or renovation. The scope  
551 of such work does not include direct connections to a sanitary  
552 sewer system or to potable water lines. The installation,  
553 construction, modification, substantial or complete disassembly,  
554 or replacement of equipment permanently attached to and  
555 associated with the pool or spa for the purpose of water  
556 treatment or cleaning of the pool or spa requires licensure;  
557 however, the usage of such equipment for the purposes of water  
558 treatment or cleaning does not require licensure unless the  
559 usage involves construction, modification, substantial or  
560 complete disassembly, or replacement of such equipment. Water

561 treatment that does not require such equipment does not require  
562 a license. In addition, a license is not required for the  
563 cleaning of the pool or spa in a way that does not affect the  
564 structural integrity of the pool or spa or its associated  
565 equipment.

566 (m) "Plumbing contractor" means a contractor whose  
567 services are unlimited in the plumbing trade and includes  
568 contracting business consisting of the execution of contracts  
569 requiring the experience, financial means, knowledge, and skill  
570 to install, maintain, repair, alter, extend, or, if not  
571 prohibited by law, design plumbing. A plumbing contractor may  
572 install, maintain, repair, alter, extend, or, if not prohibited  
573 by law, design the following without obtaining an additional  
574 local regulatory license, certificate, or registration: sanitary  
575 drainage or storm drainage facilities, water and sewer plants  
576 and substations, venting systems, public or private water supply  
577 systems, septic tanks, drainage and supply wells, swimming pool  
578 piping, irrigation systems, and solar heating water systems and  
579 all appurtenances, apparatus, or equipment used in connection  
580 therewith, including boilers and pressure process piping and  
581 including the installation of water, natural gas, liquefied  
582 petroleum gas and related venting, and storm and sanitary sewer  
583 lines. The scope of work of the plumbing contractor also  
584 includes the design, if not prohibited by law, and installation,  
585 maintenance, repair, alteration, or extension of air-piping,  
586 vacuum line piping, oxygen line piping, nitrous oxide piping,  
587 and all related medical gas systems; fire line standpipes and  
588 fire sprinklers if authorized by law; ink and chemical lines;

589 fuel oil and gasoline piping and tank and pump installation,  
590 except bulk storage plants; and pneumatic control piping  
591 systems, all in a manner that complies with all plans,  
592 specifications, codes, laws, and regulations applicable. The  
593 scope of work of the plumbing contractor applies to private  
594 property and public property, including any excavation work  
595 incidental thereto, and includes the work of the specialty  
596 plumbing contractor. Such contractor shall subcontract, with a  
597 qualified contractor in the field concerned, all other work  
598 incidental to the work but which is specified as being the work  
599 of a trade other than that of a plumbing contractor. This  
600 definition does not limit the scope of work of any specialty  
601 contractor certified pursuant to s. 489.113(6), and does not  
602 require certification or registration under this part of any  
603 authorized employee of a public natural gas utility or of a  
604 private natural gas utility regulated by the Public Service  
605 Commission when disconnecting and reconnecting water lines in  
606 the servicing or replacement of an existing water heater. A  
607 plumbing contractor may perform drain cleaning and clearing and  
608 install or repair rainwater catchment systems; however, a  
609 mandatory licensing requirement is not established for the  
610 performance of these specific services.

611 (n) "Underground utility and excavation contractor" means  
612 a contractor whose services are limited to the construction,  
613 installation, and repair, on public or private property, whether  
614 accomplished through open excavations or through other means,  
615 including, but not limited to, directional drilling, auger  
616 boring, jacking and boring, trenchless technologies, wet and dry

617 taps, grouting, and slip lining, of main sanitary sewer  
618 collection systems, main water distribution systems, storm sewer  
619 collection systems, and the continuation of utility lines from  
620 the main systems to a point of termination up to and including  
621 the meter location for the individual occupancy, sewer  
622 collection systems at property line on residential or single-  
623 occupancy commercial properties, or on multioccupancy properties  
624 at manhole or wye lateral extended to an invert elevation as  
625 engineered to accommodate future building sewers, water  
626 distribution systems, or storm sewer collection systems at storm  
627 sewer structures. However, an underground utility and excavation  
628 contractor may install empty underground conduits in rights-of-  
629 way, easements, platted rights-of-way in new site development,  
630 and sleeves for parking lot crossings no smaller than 2 inches  
631 in diameter if each conduit system installed is designed by a  
632 licensed professional engineer or an authorized employee of a  
633 municipality, county, or public utility and the installation of  
634 such conduit does not include installation of any conductor  
635 wiring or connection to an energized electrical system. An  
636 underground utility and excavation contractor may not install  
637 piping that is an integral part of a fire protection system as  
638 defined in s. 633.021 beginning at the point where the piping is  
639 used exclusively for such system.

640 (o) "Solar contractor" means a contractor whose services  
641 consist of the installation, alteration, repair, maintenance,  
642 relocation, or replacement of solar panels for potable solar  
643 water heating systems, swimming pool solar heating systems, and  
644 photovoltaic systems and any appurtenances, apparatus, or

645 equipment used in connection therewith, whether public, private,  
646 or otherwise, regardless of use. A contractor, certified or  
647 registered pursuant to this chapter, is not required to become a  
648 certified or registered solar contractor or to contract with a  
649 solar contractor in order to provide services enumerated in this  
650 paragraph that are within the scope of the services such  
651 contractors may render under this part.

652 (p) "Pollutant storage systems contractor" means a  
653 contractor whose services are limited to, and who has the  
654 experience, knowledge, and skill to install, maintain, repair,  
655 alter, extend, or design, if not prohibited by law, and use  
656 materials and items used in the installation, maintenance,  
657 extension, and alteration of, pollutant storage tanks. Any  
658 person installing a pollutant storage tank shall perform such  
659 installation in accordance with the standards adopted pursuant  
660 to s. 376.303.

661 (q) "Specialty contractor" means a contractor whose scope  
662 of work and responsibility is limited to a particular phase of  
663 construction established in a category adopted by board rule and  
664 whose scope is limited to a subset of the activities described  
665 in one of the paragraphs of this subsection.

666 Section 7. The amendments made by s. 11 of chapter 2012-  
667 13, Laws of Florida, to s. 489.113(2), Florida Statutes, were  
668 remedial in nature and intended to clarify existing law. This  
669 section applies retroactively to any action initiated or pending  
670 on or after March 23, 2012.

671 Section 8. Paragraphs (c) and (f) of subsection (5) and  
672 subsection (6) of section 489.127, Florida Statutes, are amended



673 | to read:

674 |       489.127 Prohibitions; penalties.—

675 |       (5) Each county or municipality may, at its option,  
 676 | designate one or more of its code enforcement officers, as  
 677 | defined in chapter 162, to enforce, as set out in this  
 678 | subsection, the provisions of subsection (1) and s. 489.132(1)  
 679 | against persons who engage in activity for which a county or  
 680 | municipal certificate of competency or license or state  
 681 | certification or registration is required.

682 |       (c) The local governing body of the county or municipality  
 683 | may ~~is authorized to~~ enforce codes and ordinances against  
 684 | unlicensed contractors under the provisions of this subsection  
 685 | and may enact an ordinance establishing procedures for  
 686 | implementing this subsection, including a schedule of penalties  
 687 | to be assessed by the code enforcement officer. The maximum  
 688 | civil penalty which may be levied may ~~shall~~ not exceed \$2,000  
 689 | ~~\$500~~. Moneys collected pursuant to this subsection shall be  
 690 | retained locally, as provided for by local ordinance, and may be  
 691 | set aside in a specific fund to support future enforcement  
 692 | activities against unlicensed contractors.

693 |       (f) If the enforcement or licensing board or designated  
 694 | special magistrate finds that a violation exists, the  
 695 | enforcement or licensing board or designated special magistrate  
 696 | may order the violator to pay a civil penalty of not less than  
 697 | the amount set forth on the citation but not more than \$1,500  
 698 | ~~\$1,000~~ per day for each violation. In determining the amount of  
 699 | the penalty, the enforcement or licensing board or designated  
 700 | special magistrate shall consider the following factors:

- 701           1. The gravity of the violation.
- 702           2. Any actions taken by the violator to correct the
- 703 violation.
- 704           3. Any previous violations committed by the violator.
- 705           (6) Local building departments may collect outstanding
- 706 fines against registered or certified contractors issued by the
- 707 Construction Industry Licensing Board and may retain 75 ~~25~~
- 708 percent of the fines they are able to collect, provided that
- 709 they transmit 25 ~~75~~ percent of the fines they are able to
- 710 collect to the department according to a procedure to be
- 711 determined by the department.

712           Section 9. Paragraph (a) of subsection (7) of section

713 489.131, Florida Statutes, is amended to read:

714           489.131 Applicability.—

715           (7) (a) It is the policy of the state that the purpose of

716 regulation is to protect the public by attaining compliance with

717 the policies established in law. Fines and other penalties are

718 provided in order to ensure compliance; ~~however, the collection~~

719 ~~of fines and the imposition of penalties are intended to be~~

720 ~~secondary to the primary goal of attaining compliance with state~~

721 ~~laws and local jurisdiction ordinances. It is the intent of the~~

722 ~~Legislature that a local jurisdiction agency charged with~~

723 ~~enforcing regulatory laws shall issue a notice of noncompliance~~

724 ~~as its first response to a minor violation of a regulatory law~~

725 ~~in any instance in which it is reasonable to assume that the~~

726 ~~violator was unaware of such a law or unclear as to how to~~

727 ~~comply with it. A violation of a regulatory law is a "minor~~

728 ~~violation" if it does not result in economic or physical harm to~~

729 | ~~a person or adversely affect the public health, safety, or~~  
730 | ~~welfare or create a significant threat of such harm. A "notice~~  
731 | ~~of noncompliance" is a notification by the local jurisdiction~~  
732 | ~~agency charged with enforcing the ordinance, which is issued to~~  
733 | ~~the licensee that is subject to the ordinance. A notice of~~  
734 | ~~noncompliance should not be accompanied with a fine or other~~  
735 | ~~disciplinary penalty. It should identify the specific ordinance~~  
736 | ~~that is being violated, provide information on how to comply~~  
737 | ~~with the ordinance, and specify a reasonable time for the~~  
738 | ~~violation to comply with the ordinance. Failure of a licensee to~~  
739 | ~~take action correcting the violation within a set period of time~~  
740 | ~~would then result in the institution of further disciplinary~~  
741 | ~~proceedings.~~

742 |       Section 10. Section 489.514, Florida Statutes, is amended  
743 | to read:

744 |       489.514 Certification for registered contractors;  
745 | grandfathering provisions.—

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

749 |       (a) To an applying registered electrical contractor, a  
750 | certificate as an electrical contractor, as defined in s.  
751 | 489.505(12); ~~or~~

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

755 |       (c) To an applying registered electrical specialty  
756 | contractor, a certificate in the matching electrical specialty

757 contractor category, as defined in s. 489.505(19).

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

761 (a) Currently holds a valid registered local license in  
762 the category of electrical contractor, alarm system contractor,  
763 or electrical specialty contractor.

764 (b) Has, for that category, passed a written, proctored  
765 examination that the board finds to be substantially similar to  
766 the examination required to be licensed as a certified  
767 contractor under this part. For purposes of this subsection, a  
768 written, proctored examination such as that produced by the  
769 National Assessment Institute, Block and Associates, NAI/Block,  
770 Experior Assessments, Professional Testing, Inc., or Assessment  
771 Systems, Inc., shall be considered to be substantially similar  
772 to the examination required to be licensed as a certified  
773 contractor. The board may not impose or make any requirements  
774 regarding the nature or content of these cited examinations.

775 (c) Has at least 5 years of experience as a contractor in  
776 that contracting category, or as an inspector or building  
777 administrator with oversight over that category, at the time of  
778 application. For contractors, only time periods in which the  
779 contractor license is active and the contractor is not on  
780 probation ~~shall~~ count toward the 5 years required under this  
781 subsection.

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

785 last 5 years.

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

788 (3) An applicant must make application by November 1, 2015  
789 2004, to be licensed pursuant to this section.

790 Section 11. Paragraph (c) of subsection (4) of section  
791 489.531, Florida Statutes, is amended to read:

792 489.531 Prohibitions; penalties.—

793 (4) Each county or municipality may, at its option,  
794 designate one or more of its code enforcement officers, as  
795 defined in chapter 162, to enforce, as set out in this  
796 subsection, the provisions of subsection (1) against persons who  
797 engage in activity for which county or municipal certification  
798 is required.

799 (c) The local governing body of the county or municipality  
800 may ~~is authorized to~~ enforce codes and ordinances against  
801 unlicensed contractors under the provisions of this section and  
802 may enact an ordinance establishing procedures for implementing  
803 this section, including a schedule of penalties to be assessed  
804 by the code enforcement officers. The maximum civil penalty  
805 which may be levied may ~~shall~~ not exceed \$2,000 ~~\$500~~. Moneys  
806 collected pursuant to this section shall be retained locally as  
807 provided for by local ordinance and may be set aside in a  
808 specific fund to support future enforcement activities against  
809 unlicensed contractors.

810 Section 12. Present subsections (6) through (11) of  
811 section 553.71, Florida Statutes, are renumbered as subsections  
812 (7) through (12), respectively, and a new subsection (6) is

813 added to that section, to read:

814 553.71 Definitions.—As used in this part, the term:

815 (6) "Local technical amendment" means an action by a local  
816 governing authority that results in a technical change to the  
817 Florida Building Code and its local enforcement.

818 Section 13. Subsection (17) of section 553.73, Florida  
819 Statutes, is amended to read:

820 553.73 Florida Building Code.—

821 (17) A provision ~~The provisions of section R313 of the~~  
822 ~~most current version~~ of the International Residential Code  
823 relating to mandated fire sprinklers may not be incorporated  
824 into the Florida Building Code as adopted by the Florida  
825 Building Commission and may not be adopted as a local amendment  
826 to the Florida Building Code. This subsection does not prohibit  
827 the application of cost-saving incentives for residential fire  
828 sprinklers that are authorized in the International Residential  
829 Code upon a mutual agreement between the builder and the code  
830 official. This subsection does not apply to a local government  
831 that has a lawfully adopted ordinance relating to fire  
832 sprinklers which has been in effect since January 1, 2010.

833 Section 14. Subsection (1) of section 553.74, Florida  
834 Statutes, is amended to read:

835 553.74 Florida Building Commission.—

836 (1) The Florida Building Commission is created and located  
837 within the Department of Business and Professional Regulation  
838 for administrative purposes. Members are ~~shall be~~ appointed by  
839 the Governor subject to confirmation by the Senate. The  
840 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of

841 the following:

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

846 (b) One structural engineer registered to practice in this  
847 state and actively engaged in the profession. The Florida  
848 Engineering Society is encouraged to recommend a list of  
849 candidates for consideration.

850 (c) One air-conditioning or mechanical contractor  
851 certified to do business in this state and actively engaged in  
852 the profession. The Florida Air Conditioning Contractors  
853 Association, the Florida Refrigeration and Air Conditioning  
854 Contractors Association, and the Mechanical Contractors  
855 Association of Florida are encouraged to recommend a list of  
856 candidates for consideration.

857 (d) One electrical contractor certified to do business in  
858 this state and actively engaged in the profession. The Florida  
859 Electrical Contractors Association and the National Electrical  
860 Contractors Association, Florida Chapter, are encouraged to  
861 recommend a list of candidates for consideration.

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

867 (f) One general contractor certified to do business in  
868 this state and actively engaged in the profession. The

869 Associated Builders and Contractors of Florida, the Florida  
870 Associated General Contractors Council, and the Union  
871 Contractors Association are encouraged to recommend a list of  
872 candidates for consideration.

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

877 (h) One roofing or sheet metal contractor certified to do  
878 business in this state and actively engaged in the profession.  
879 The Florida Roofing, Sheet Metal, and Air Conditioning  
880 Contractors Association and the Sheet Metal and Air Conditioning  
881 Contractors National Association are encouraged to recommend a  
882 list of candidates for consideration.

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

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

892 (k) One member who represents the Department of Financial  
893 Services.

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



897 (m) One member of a Florida-based organization of persons  
898 with disabilities or a nationally chartered organization of  
899 persons with disabilities with chapters in this state.

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

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

908 (p) One member who is a representative of a municipality  
909 or a charter county. The Florida League of Cities and the  
910 Florida Association of Counties are encouraged to recommend a  
911 list of candidates for consideration.

912 (q) One member of the building products manufacturing  
913 industry who is authorized to do business in this state and is  
914 actively engaged in the industry. The Florida Building Material  
915 Association, the Florida Concrete and Products Association, and  
916 the Fenestration Manufacturers Association are encouraged to  
917 recommend a list of candidates for consideration.

918 (r) One member who is a representative of the building  
919 owners and managers industry who is actively engaged in  
920 commercial building ownership or management. The Building Owners  
921 and Managers Association is encouraged to recommend a list of  
922 candidates for consideration.

923 (s) One member who is a representative of the insurance  
924 industry. The Florida Insurance Council is encouraged to

925 recommend a list of candidates for consideration.

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

928 (u) One member who is a swimming pool contractor licensed  
929 to do business in this state and actively engaged in the  
930 profession. The Florida Swimming Pool Association and the United  
931 Pool and Spa Association are encouraged to recommend a list of  
932 candidates for consideration.

933 (v) One member who is a representative of the green  
934 building industry and who is a third-party commission agent, a  
935 Florida board member of the United States Green Building Council  
936 or Green Building Initiative, a professional who is accredited  
937 under the International Green Construction Code (IGCC), or a  
938 professional who is accredited under Leadership in Energy and  
939 Environmental Design (LEED).

940 (w) One member who is a representative of a natural gas  
941 distribution system who is actively engaged in the distribution  
942 of natural gas in this state. The Florida Natural Gas  
943 Association is encouraged to recommend a list of candidates for  
944 consideration.

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

946  
947 Any person serving on the commission under paragraph (c) or  
948 paragraph (h) on October 1, 2003, and who has served less than  
949 two full terms is eligible for reappointment to the commission  
950 regardless of whether he or she meets the new qualification.

951 Section 15. Paragraph (a) of subsection (5) of section  
952 553.79, Florida Statutes, is amended, and subsection (18) is

953 added to that section, to read:

954 553.79 Permits; applications; issuance; inspections.—

955 (5) (a) The enforcing agency shall require a special  
956 inspector to perform structural inspections on a threshold  
957 building pursuant to a structural inspection plan prepared by  
958 the engineer or architect of record. The structural inspection  
959 plan must be submitted to and approved by the enforcing agency  
960 before ~~prior to~~ the issuance of a building permit for the  
961 construction of a threshold building. The purpose of the  
962 structural inspection plan is to provide specific inspection  
963 procedures and schedules so that the building can be adequately  
964 inspected for compliance with the permitted documents. The  
965 special inspector may not serve as a surrogate in carrying out  
966 the responsibilities of the building official, the architect, or  
967 the engineer of record. The contractor's contractual or  
968 statutory obligations are not relieved by any action of the  
969 special inspector. The special inspector shall determine that a  
970 professional engineer who specializes in shoring design has  
971 inspected the shoring and reshoring for conformance with the  
972 shoring and reshoring plans submitted to the enforcing agency. A  
973 fee simple title owner of a building, which does not meet the  
974 minimum size, height, occupancy, occupancy classification, or  
975 number-of-stories criteria which would result in classification  
976 as a threshold building under s. 553.71(12) ~~553.71(11)~~, may  
977 designate such building as a threshold building, subject to more  
978 than the minimum number of inspections required by the Florida  
979 Building Code.

980 (18) For the purpose of inspection and record retention,

981 site plans for a building may be maintained in the form of an  
982 electronic copy at the worksite. These plans must be open to  
983 inspection by the building official or a duly authorized  
984 representative, as required by the Florida Building Code.

985 Section 16. Paragraph (a) of subsection (5) of section  
986 553.842, Florida Statutes, is amended to read:

987 553.842 Product evaluation and approval.—

988 (5) Statewide approval of products, methods, or systems of  
989 construction may be achieved by one of the following methods.  
990 One of these methods must be used by the commission to approve  
991 the following categories of products: panel walls, exterior  
992 doors, roofing, skylights, windows, shutters, impact protective  
993 systems, and structural components as established by the  
994 commission by rule. A product may not be advertised, sold,  
995 offered, provided, distributed, or marketed as hurricane,  
996 windstorm, or impact protection from wind-borne debris from a  
997 hurricane or windstorm unless it is approved pursuant to this  
998 section or s. 553.8425. Any person who advertises, sells,  
999 offers, provides, distributes, or markets a product as  
1000 hurricane, windstorm, or impact protection from wind-borne  
1001 debris without such approval is subject to the Florida Deceptive  
1002 and Unfair Trade Practices Act under part II of chapter 501  
1003 brought by the enforcing authority as defined in s. 501.203.

1004 (a) Products for which the code establishes standardized  
1005 testing or comparative or rational analysis methods shall be  
1006 approved by submittal and validation of one of the following  
1007 reports or listings indicating that the product or method or  
1008 system of construction was in compliance with the Florida

1009 Building Code and that the product or method or system of  
1010 construction is, for the purpose intended, at least equivalent  
1011 to that required by the Florida Building Code:

1012 1. A certification mark or listing of an approved  
1013 certification agency, which may be used only for products for  
1014 which the code designates standardized testing;

1015 2. A test report from an approved testing laboratory;

1016 3. A product evaluation report based upon testing or  
1017 comparative or rational analysis, or a combination thereof, from  
1018 an approved product evaluation entity; or

1019 4. A product evaluation report based upon testing or  
1020 comparative or rational analysis, or a combination thereof,  
1021 developed and signed and sealed by a professional engineer or  
1022 architect, licensed in this state.

1023

1024 A product evaluation report or a certification mark or listing  
1025 of an approved certification agency which demonstrates that the  
1026 product or method or system of construction complies with the  
1027 Florida Building Code for the purpose intended is equivalent to  
1028 a test report and test procedure referenced in the Florida  
1029 Building Code. An application for state approval of a product  
1030 under subparagraph 1. or subparagraph 3. must be approved by the  
1031 department after the commission staff or a designee verifies  
1032 that the application and related documentation are complete.  
1033 This verification must be completed within 10 business days  
1034 after receipt of the application. Upon approval by the  
1035 department, the product shall be immediately added to the list  
1036 of state-approved products maintained under subsection (13).

1037 Approvals by the department shall be reviewed and ratified by  
 1038 the commission's program oversight committee except for a  
 1039 showing of good cause that a review by the full commission is  
 1040 necessary. The commission shall adopt rules providing means to  
 1041 cure deficiencies identified within submittals for products  
 1042 approved under this paragraph.

1043 Section 17. Section 553.901, Florida Statutes, is amended  
 1044 to read:

1045 553.901 Purpose of thermal efficiency code.—The Department  
 1046 of Business and Professional Regulation shall prepare a thermal  
 1047 efficiency code to provide for a statewide uniform standard for  
 1048 energy efficiency in the thermal design and operation of all  
 1049 buildings statewide, consistent with energy conservation goals,  
 1050 and to best provide for public safety, health, and general  
 1051 welfare. The Florida Building Commission shall adopt the Florida  
 1052 Building Code—Energy Conservation ~~Energy Efficiency Code for~~  
 1053 ~~Building Construction within the Florida Building Code~~, and  
 1054 shall modify, revise, update, and maintain the code to implement  
 1055 the provisions of this thermal efficiency code and amendments  
 1056 thereto, in accordance with the procedures of chapter 120. The  
 1057 department shall, at least triennially, determine the most cost-  
 1058 effective energy-saving equipment and techniques available and  
 1059 report its determinations to the commission, which shall update  
 1060 the code to incorporate such equipment and techniques. The  
 1061 proposed changes shall be made available for public review and  
 1062 comment no later than 6 months before ~~prior to~~ code  
 1063 implementation. The term "cost-effective," as used in ~~for the~~  
 1064 ~~purposes of~~ this part, means ~~shall be construed to mean~~ cost-

1065 effective to the consumer.

1066 Section 18. Section 553.902, Florida Statutes, is  
 1067 reordered and amended to read:

1068 553.902 Definitions.—As used in ~~For the purposes of this~~  
 1069 part, the term:

1070 (1) ~~(6)~~ "Energy performance level" means the indicator of  
 1071 the energy-related performance of a building, including, but not  
 1072 limited to, the levels of insulation, the amount and type of  
 1073 glass, and the HVAC and water heating system efficiencies.

1074 (2) ~~(1)~~ "Exempted building" means:

1075 (a) A ~~Any~~ building or portion thereof whose peak design  
 1076 rate of energy usage for all purposes is less than 1 watt (3.4  
 1077 Btu per hour) per square foot of floor area for all purposes.

1078 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled  
 1079 by a mechanical system designed to control or modify the indoor  
 1080 temperature and powered by electricity or fossil fuels.

1081 (c) A ~~Any~~ building for which federal mandatory standards  
 1082 preempt state energy codes.

1083 (d) A ~~Any~~ historical building as described in s.  
 1084 267.021(3).

1085  
 1086 The Florida Building Commission may recommend to the Legislature  
 1087 additional types of buildings which should be exempted from  
 1088 compliance with the Florida Building Code—Energy Conservation  
 1089 ~~Energy Efficiency Code for Building Construction~~.

1090 (3) ~~(5)~~ "Exterior envelope physical characteristics" means  
 1091 the physical nature of those elements of a building which  
 1092 enclose conditioned spaces through which energy may be

1093 transferred to or from the exterior.

1094 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and  
 1095 air-conditioning.

1096 (5)~~(4)~~ "Local enforcement agency" means the agency of  
 1097 local government which has the authority to make inspections of  
 1098 buildings and to enforce the Florida Building Code. The term ~~It~~  
 1099 includes any agency within the definition of s. 553.71(5).

1100 (6)~~(3)~~ "Renovated building" means a residential or  
 1101 nonresidential building undergoing alteration that varies or  
 1102 changes insulation, HVAC systems, water heating systems, or  
 1103 exterior envelope conditions, if provided ~~if provided~~ the estimated cost of  
 1104 renovation exceeds 30 percent of the assessed value of the  
 1105 structure.

1106 Section 19. Section 553.903, Florida Statutes, is amended  
 1107 to read:

1108 553.903 Applicability.—This part applies ~~shall apply~~ to  
 1109 all new and renovated buildings in the state, except exempted  
 1110 buildings, for which building permits are obtained after March  
 1111 15, 1979, and to the installation or replacement of building  
 1112 systems and components with new products for which thermal  
 1113 efficiency standards are set by the Florida Building Code—Energy  
 1114 Conservation ~~Energy Efficiency Code for Building Construction~~.  
 1115 The provisions of this part shall constitute a statewide uniform  
 1116 code.

1117 Section 20. Section 553.904, Florida Statutes, is amended  
 1118 to read:

1119 553.904 Thermal efficiency standards for new  
 1120 nonresidential buildings.—Thermal designs and operations for new



1121 nonresidential buildings for which building permits are obtained  
 1122 after March 15, 1979, must ~~shall~~ at a minimum take into account  
 1123 exterior envelope physical characteristics, including thermal  
 1124 mass; HVAC, service water heating, energy distribution,  
 1125 lighting, energy managing, and auxiliary systems design and  
 1126 selection; and HVAC, service water heating, energy distribution,  
 1127 lighting, energy managing, and auxiliary equipment performance,  
 1128 and are ~~shall~~ not ~~be~~ required to meet standards more stringent  
 1129 than the provisions of the Florida Building Code—~~Energy~~  
 1130 Conservation ~~Energy Efficiency Code for Building Construction~~.

1131 Section 21. Section 553.905, Florida Statutes, is amended  
 1132 to read:

1133 553.905 Thermal efficiency standards for new residential  
 1134 buildings.—Thermal designs and operations for new residential  
 1135 buildings for which building permits are obtained after March  
 1136 15, 1979, must ~~shall~~ at a minimum take into account exterior  
 1137 envelope physical characteristics, HVAC system selection and  
 1138 configuration, HVAC equipment performance, and service water  
 1139 heating design and equipment selection and are ~~shall~~ not ~~be~~  
 1140 required to meet standards more stringent than the provisions of  
 1141 the Florida Building Code—~~Energy Conservation~~ ~~Energy Efficiency~~  
 1142 ~~Code for Building Construction~~. HVAC equipment mounted in an  
 1143 attic or a garage is ~~shall~~ not ~~be~~ required to have supplemental  
 1144 insulation in addition to that installed by the manufacturer.  
 1145 All new residential buildings, except those herein exempted,  
 1146 must ~~shall~~ have insulation in ceilings rated at R-19 or more,  
 1147 space permitting. Thermal efficiency standards do not apply to a  
 1148 building of less than 1,000 square feet which is not primarily

1149 used as a principal residence and which is constructed and owned  
 1150 by a natural person for hunting or similar recreational  
 1151 purposes; however, ~~no~~ such person may not build more than one  
 1152 exempt building in any 12-month period.

1153 Section 22. Section 553.906, Florida Statutes, is amended  
 1154 to read:

1155 553.906 Thermal efficiency standards for renovated  
 1156 buildings.—Thermal designs and operations for renovated  
 1157 buildings for which building permits are obtained after March  
 1158 15, 1979, must ~~shall~~ take into account insulation; windows;  
 1159 infiltration; and HVAC, service water heating, energy  
 1160 distribution, lighting, energy managing, and auxiliary systems  
 1161 design and equipment selection and performance. Such buildings  
 1162 are ~~shall~~ not be required to meet standards more stringent than  
 1163 the provisions of the Florida Building Code—Energy Conservation  
 1164 ~~Energy Efficiency Code for Building Construction~~. These  
 1165 standards apply only to those portions of the structure which  
 1166 are actually renovated.

1167 Section 23. Section 553.912, Florida Statutes, is amended  
 1168 to read:

1169 553.912 Air conditioners.—All air conditioners that are  
 1170 sold or installed in the state must ~~shall~~ meet the minimum  
 1171 efficiency ratings of the Florida ~~Energy Efficiency Code for~~  
 1172 Building Code—Energy Conservation Construction. These efficiency  
 1173 ratings must ~~shall~~ be minimums and may be updated in the Florida  
 1174 Building Code—Energy Conservation ~~Energy Efficiency Code for~~  
 1175 ~~Building Construction~~ by the department in accordance with s.  
 1176 553.901, following its determination that more cost-effective

1177 energy-saving equipment and techniques are available. It is the  
 1178 intent of the Legislature that all replacement air-conditioning  
 1179 systems in residential applications be installed using energy-  
 1180 saving, quality installation procedures, including, but not  
 1181 limited to, equipment sizing analysis and duct inspection.  
 1182 Notwithstanding this section, existing heating and cooling  
 1183 equipment in residential applications need not meet the minimum  
 1184 equipment efficiencies, including system sizing and duct  
 1185 sealing.

1186 Section 24. Section 553.991, Florida Statutes, is amended  
 1187 to read:

1188 553.991 Purpose.—The purpose of this part is to identify  
 1189 systems ~~provide for a statewide uniform system~~ for rating the  
 1190 energy efficiency of buildings. It is in the interest of the  
 1191 state to encourage the consideration of ~~the~~ energy-efficiency  
 1192 rating systems ~~system~~ in the market so as to provide market  
 1193 rewards for energy-efficient buildings and to those persons or  
 1194 companies designing, building, or selling energy-efficient  
 1195 buildings.

1196 Section 25. Section 553.992, Florida Statutes, is  
 1197 repealed.

1198 Section 26. Section 553.993, Florida Statutes, is amended  
 1199 to read:

1200 553.993 Definitions.—For purposes of this part:

1201 (1) "Acquisition" means to gain the sole or partial use of  
 1202 a building through a purchase agreement.

1203 (2) "Builder" means the primary contractor who possesses  
 1204 the requisite skill, knowledge, and experience, and has the

1205 responsibility, to supervise, direct, manage, and control the  
 1206 contracting activities of the business organization with which  
 1207 she or he is connected and who has the responsibility to  
 1208 supervise, direct, manage, and control the construction work on  
 1209 a job for which she or he has obtained the building permit.  
 1210 Construction work includes, but is not limited to, foundation,  
 1211 framing, wiring, plumbing, and finishing work.

1212 (3) "Building energy-efficiency rating system" means a  
 1213 whole building energy evaluation system established by the  
 1214 Residential Energy Services Network, the Commercial Energy  
 1215 Services Network, the Building Performance Institute, or the  
 1216 Florida Solar Energy Center.

1217 (4)~~(3)~~ "Designer" means the architect, engineer, landscape  
 1218 architect, builder, interior designer, or other person who  
 1219 performs the actual design work or under whose direct  
 1220 supervision and responsible charge the construction documents  
 1221 are prepared.

1222 (5) "Energy auditor" means a trained and certified  
 1223 professional who conducts energy evaluations of an existing  
 1224 building and uses tools to identify the building's current  
 1225 energy usage and the condition of the building and equipment.

1226 (6) "Energy-efficiency rating" means an unbiased  
 1227 indication of a building's relative energy efficiency based on  
 1228 consistent inspection procedures, operating assumptions, climate  
 1229 data, and calculation methods.

1230 (7) "Energy rater" means an individual certified by a  
 1231 building energy-efficiency rating system to perform building  
 1232 energy-efficiency ratings for the building type and in the

1233 rating class for which the rater is certified.

1234 (8)~~(4)~~ "New building" means commercial occupancy buildings  
 1235 permitted for construction after January 1, 1995, and  
 1236 residential occupancy buildings permitted for construction after  
 1237 January 1, 1994.

1238 (9)~~(5)~~ "Public building" means a building comfort-  
 1239 conditioned for occupancy that is owned or leased by the state,  
 1240 a state agency, or a governmental subdivision, including, but  
 1241 not limited to, a city, county, or school district.

1242 Section 27. Section 553.994, Florida Statutes, is amended  
 1243 to read:

1244 553.994 Applicability.~~Building energy-efficiency~~ The  
 1245 rating systems ~~system shall~~ apply to all public, commercial, and  
 1246 residential buildings in the state.

1247 Section 28. Section 553.995, Florida Statutes, is amended  
 1248 to read:

1249 553.995 Energy-efficiency ratings for buildings.—

1250 (1) Building ~~The~~ energy-efficiency rating systems must,  
 1251 ~~system shall~~ at a minimum:

1252 ~~(a) Provide a uniform rating scale of the efficiency of~~  
 1253 ~~buildings based on annual energy usage.~~

1254 (a)~~(b)~~ Take into account local climate conditions,  
 1255 construction practices, and building use.

1256 (b)~~(e)~~ Be compatible with standard federal rating systems  
 1257 and state building codes and standards, where applicable, and  
 1258 shall satisfy the requirements of s. 553.9085 with respect to  
 1259 residential buildings and s. 255.256 with respect to state  
 1260 buildings.

1261 ~~(c)(2) The energy efficiency rating systems system adopted~~  
 1262 ~~by the department shall~~ Provide a means of analyzing and  
 1263 ~~comparing~~ the relative energy efficiency of buildings upon the  
 1264 sale of new or existing residential, public, or commercial  
 1265 buildings.

1266 ~~(3) The department shall establish a voluntary working~~  
 1267 ~~group of persons interested in the energy efficiency rating~~  
 1268 ~~system or energy efficiency, including, but not limited to, such~~  
 1269 ~~persons as electrical engineers, mechanical engineers,~~  
 1270 ~~architects, public utilities, and builders. The interest group~~  
 1271 ~~shall advise the department in the development of the energy-~~  
 1272 ~~efficiency rating system and shall assist the department in the~~  
 1273 ~~implementation of the rating system by coordinating educational~~  
 1274 ~~programs for designers, builders, businesses, and other~~  
 1275 ~~interested persons to assist compliance and to facilitate~~  
 1276 ~~incorporation of the rating system into existing practices.~~

1277 ~~(2)(a)(4) The department shall develop a training and~~  
 1278 ~~certification program to certify raters. In addition to the~~  
 1279 ~~department,~~ Ratings may be conducted by a ~~any~~ local government  
 1280 or private entity if, ~~provided that~~ the appropriate persons have  
 1281 completed the necessary training established by the applicable  
 1282 building energy efficiency rating system ~~and have been certified~~  
 1283 ~~by the department.~~

1284 ~~(b) The Department of Management Services shall rate~~  
 1285 ~~state-owned or state-leased buildings~~ if, ~~provided that~~ the  
 1286 appropriate persons have completed the necessary training  
 1287 established by the applicable building energy efficiency rating  
 1288 system ~~and have been certified by the Department of Business and~~

1289 ~~Professional Regulation.~~

1290       (c) A state agency that ~~which~~ has building construction  
1291 regulation authority may rate its own buildings and those it is  
1292 responsible for, if the appropriate persons have completed the  
1293 necessary training established by the applicable building  
1294 energy-efficiency rating system ~~and have been certified by the~~  
1295 ~~Department of Business and Professional Regulation. The~~  
1296 ~~Department of Business and Professional Regulation may charge a~~  
1297 ~~fee not to exceed the costs for the training and certification~~  
1298 ~~of raters. The department shall by rule set the appropriate~~  
1299 ~~charges for raters to charge for energy ratings, not to exceed~~  
1300 ~~the actual costs.~~

1301       Section 29. Section 553.996, Florida Statutes, is amended  
1302 to read:

1303       553.996 Energy-efficiency information provided by building  
1304 energy-efficiency rating systems providers ~~brochure.~~-A  
1305 prospective purchaser of real property with a building for  
1306 occupancy located thereon shall be provided ~~with a copy of an~~  
1307 information ~~brochure~~, at the time of or before ~~prior to~~ the  
1308 purchaser's execution of the contract for sale and purchase  
1309 which notifies, ~~notifying~~ the purchaser of the option for an  
1310 energy-efficiency rating on the building. Building energy-  
1311 efficiency rating system providers identified in this part shall  
1312 prepare such information and make it available for distribution  
1313 ~~Such brochure shall be prepared, made available for~~  
1314 ~~distribution, and provided at no cost by the department. Such~~  
1315 ~~brochure shall contain~~ information relevant to that class of  
1316 building must include, ~~including~~, but need not be limited to:

1317 (1) How to analyze the building's energy-efficiency  
 1318 rating.

1319 (2) Comparisons to statewide averages for new and existing  
 1320 construction of that class.

1321 (3) Information concerning methods to improve the  
 1322 building's energy-efficiency rating.

1323 (4) A notice to residential purchasers that the energy-  
 1324 efficiency rating may qualify the purchaser for an energy-  
 1325 efficient mortgage from lending institutions.

1326 Section 30. Subsection (2) of section 553.997, Florida  
 1327 Statutes, is amended to read:

1328 553.997 Public buildings.—

1329 (2) ~~The department, together with other~~ State agencies  
 1330 with having building construction and maintenance  
 1331 responsibilities, shall make available energy-efficiency  
 1332 practices information to be used by individuals involved in the  
 1333 design, construction, retrofitting, and maintenance of buildings  
 1334 for state and local governments.

1335 Section 31. Section 553.998, Florida Statutes, is amended  
 1336 to read:

1337 553.998 Compliance.—All ratings must ~~shall~~ be determined  
 1338 using tools and procedures developed by the systems recognized  
 1339 under this part ~~adopted by the department by rule in accordance~~  
 1340 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as  
 1341 accurate and correct and in compliance with procedures of the  
 1342 adopted system under which the rater is certified ~~by the~~  
 1343 ~~department by rule in accordance with chapter 120.~~

1344 Section 32. Concrete masonry products research, education,



1345 and promotion.—

1346 (1) SHORT TITLE.—This section may be cited as the  
1347 "Concrete Masonry Products Research, Education, and Promotion  
1348 Act."

1349 (2) FLORIDA CONCRETE MASONRY COUNCIL, INC.; CREATION;  
1350 PURPOSES.—

1351 (a) There is created the Florida Concrete Masonry Council,  
1352 Inc., a nonprofit corporation organized under the laws of this  
1353 state and operating as a direct-support organization of the  
1354 Florida Building Commission.

1355 (b) The council shall:

1356 1. Develop, implement, and monitor a system for the  
1357 definition of masonry products and for the collection of self-  
1358 imposed voluntary assessments.

1359 2. Plan, implement, and conduct programs of education,  
1360 promotion, research, and consumer information and industry  
1361 information which are designed to strengthen the market position  
1362 of the concrete masonry industry in this state and in the  
1363 nation, to maintain and expand domestic and foreign markets, and  
1364 to expand the uses for concrete masonry products.

1365 3. Use the means authorized by this subsection for the  
1366 purpose of funding research, education, promotion, and consumer  
1367 and industry information of concrete masonry products in this  
1368 state and in the nation.

1369 4. Coordinate research, education, promotion, industry,  
1370 and consumer information programs with national programs or  
1371 programs of other states.

1372 5. Develop new uses and markets for concrete masonry

- 1373 products.
- 1374 6. Develop and improve educational access to individuals  
1375 seeking employment in the field of concrete masonry.
- 1376 7. Develop methods of improving the quality of concrete  
1377 masonry products for the purpose of windstorm protection.
- 1378 8. Develop methods of improving the energy efficiency  
1379 attributes of concrete masonry products.
- 1380 9. Inform and educate the public concerning the  
1381 sustainability and economic benefits of concrete masonry  
1382 products.
- 1383 10. Do all other acts necessary or expedient for the  
1384 administration of the affairs and attainment of the purposes of  
1385 the council.
- 1386 (c) The council may:
- 1387 1. Conduct or contract for scientific research with any  
1388 accredited university, college, or similar institution and enter  
1389 into other contracts or agreements that will aid in carrying out  
1390 the purposes of this section, including contracts for the  
1391 purchase or acquisition of facilities or equipment necessary to  
1392 carry out the purposes of this section.
- 1393 2. Disseminate reliable information benefiting the  
1394 consumer and the concrete masonry industry.
- 1395 3. Provide to governmental bodies, on request, information  
1396 relating to subjects of concern to the concrete masonry industry  
1397 and act jointly or in cooperation with the state or Federal  
1398 Government, and agencies thereof, in the development or  
1399 administration of programs that the council considers to be  
1400 consistent with the objectives of this section.

1401 4. Sue and be sued as a council without individual  
 1402 liability of the members for acts of the council when acting  
 1403 within the scope of the powers of this section and in the manner  
 1404 prescribed by the laws of this state.

1405 5. Maintain a financial reserve for emergency use, the  
 1406 total of which must not exceed 50 percent of the council's  
 1407 anticipated annual income.

1408 6. Employ subordinate officers and employees of the  
 1409 council, prescribe their duties, and fix their compensation and  
 1410 terms of employment.

1411 7. Cooperate with a local, state, regional, or nationwide  
 1412 organization or agency engaged in work or activities consistent  
 1413 with the objectives of the program.

1414 8. Do all other things necessary to further the intent of  
 1415 this section which are not prohibited by law.

1416 (d) The council and concrete masonry manufacturers may  
 1417 meet and coordinate the collection of self-imposed voluntary  
 1418 assessments for each concrete masonry unit that is produced and  
 1419 sold by manufacturers in the state.

1420 (e)1. The council may not participate or intervene in a  
 1421 political campaign on behalf of or in opposition to a candidate  
 1422 for public office or a state or local ballot initiative. This  
 1423 restriction includes, but is not limited to, a prohibition  
 1424 against publishing or distributing a statement.

1425 2. The net receipts of the council may not in any part  
 1426 inure to the benefit of or be distributable to its directors,  
 1427 its officers, or other private persons, except that the council  
 1428 may pay reasonable compensation for services rendered by staff

1429 employees and may make payments and distributions in furtherance  
 1430 of the purposes of this section.

1431 3. Notwithstanding another provision of law, the council  
 1432 may not carry on another activity not permitted to be carried on  
 1433 by a corporation:

1434 a. That is exempt from federal income tax under s.  
 1435 501(c)(3) of the Internal Revenue Code; or

1436 b. To which charitable contributions are deductible under  
 1437 s. 170(c)(2) of the Internal Revenue Code.

1438 (3) GOVERNING BOARD.—

1439 (a) The Florida Concrete Masonry Council, Inc., shall be  
 1440 governed by a board of directors composed of 15 members as  
 1441 follows:

1442 1. Nine members representing concrete masonry  
 1443 manufacturers. At least five of these members must be  
 1444 representatives of a manufacturer that is a member of the  
 1445 Masonry Association of Florida. These members must be  
 1446 representatives of concrete masonry manufacturers of various  
 1447 sizes. A manufacturer may not be represented by more than one  
 1448 member of the board.

1449 2. One member representing the Florida Building  
 1450 Commission.

1451 3. One member representing the Florida Home Builders  
 1452 Association.

1453 4. One member having expertise in apprenticeship or  
 1454 vocational training.

1455 5. Two members who are masonry contractors and who are  
 1456 members of the Masonry Association of Florida.

1457 6. One member who is not a masonry contractor or  
1458 manufacturer or an employee of a masonry contractor or  
1459 manufacturer, but who is otherwise a stakeholder in the masonry  
1460 industry.

1461 (b) The initial board of directors shall be appointed by  
1462 the chair of the commission based on recommendations from the  
1463 Masonry Association of Florida. Five of the initial board  
1464 members shall be appointed to 1-year terms, five members shall  
1465 be appointed for 2-year terms, and the remaining board members  
1466 shall be appointed for 3-year terms. Thereafter, each member  
1467 shall be appointed to serve a 3-year term and may be reappointed  
1468 to serve an additional consecutive term. After the initial  
1469 appointments are made, each subsequent vacancy shall be filled  
1470 in accordance with the bylaws of the council. A member may not  
1471 serve more than two consecutive terms. A member representing a  
1472 manufacturer or a contractor must be employed by a manufacturer  
1473 or contractor engaging in the trade of manufacturing concrete  
1474 masonry products for at least 5 years immediately preceding the  
1475 first day of his or her service on the board. All members of the  
1476 board shall serve without compensation but are entitled to  
1477 reimbursement for per diem and travel expenses incurred in  
1478 carrying out the purposes of this section in accordance with s.  
1479 112.061.

1480 (c) The council shall elect from its members a chair, vice  
1481 chair, and secretary-treasurer who shall each serve 2-year  
1482 terms. The chair must be a concrete masonry manufacturer.

1483 (d) The initial board of directors shall adopt bylaws for  
1484 the governance of board members and meetings and to establish

1485 procedures for filling vacancies.

1486 (4) ACCEPTANCE OF GRANTS AND GIFTS.—The council may accept  
 1487 grants, donations, contributions, or gifts from any source if  
 1488 the use of such resources is not restricted in any manner that  
 1489 the council considers to be inconsistent with the objectives of  
 1490 this section.

1491 (5) PAYMENTS TO ORGANIZATIONS.—

1492 (a) The council may make payments to other organizations  
 1493 for work or services performed which are consistent with the  
 1494 objectives of the program.

1495 (b) Before making payments described in this subsection,  
 1496 the council must secure a written agreement that the  
 1497 organization receiving payment will furnish at least annually,  
 1498 or more frequently on request of the council, written or printed  
 1499 reports of program activities and reports of financial data that  
 1500 are relative to the council's funding of such activities.

1501 (c) The council may require adequate proof of security  
 1502 bonding on payments to any individual, business, or other  
 1503 organization.

1504 (6) COLLECTION OF MONEYS AT TIME OF SALE.—

1505 (a) If a self-imposed voluntary assessment is paid by a  
 1506 manufacturer, the manufacturer shall list the assessment on its  
 1507 invoice to the purchaser at the time of sale. The amount of the  
 1508 assessment must be separately stated on all receipts, invoices,  
 1509 or other evidence of sale as the "Florida Building  
 1510 Sustainability Assessment."

1511 (b) Each manufacturer that elects to self-impose a  
 1512 voluntary assessment shall commit to the assessment for a period

1513 of at least 1 year and shall annually be authorized to renew or  
1514 end the self-imposed voluntary assessment.

1515 (c) The manufacturer shall collect all such moneys and  
1516 forward them quarterly to the council.

1517 (d) The council shall maintain within its financial  
1518 records a separate accounting of all moneys received under this  
1519 subsection. The council shall provide for an annual financial  
1520 audit of its accounts and records to be conducted by an  
1521 independent certified public accountant licensed under chapter  
1522 473.

1523 (7) BYLAWS.—The council shall, by September 30, 2013,  
1524 adopt bylaws to carry out the intent and purposes of this  
1525 section. These bylaws may be amended upon 30 days' notice to  
1526 board members at any regular or special meeting called for this  
1527 purpose. The bylaws must conform to the requirements of this  
1528 section but may also address any matter not in conflict with the  
1529 general laws of this state.

1530 Section 33. The sums of \$119,618 in recurring funds and  
1531 \$263,143 in nonrecurring funds are appropriated from the  
1532 Professional Regulation Trust to the Department of Business and  
1533 Professional Regulation for the implementation of this act  
1534 during the 2013-2014 fiscal year.

1535 Section 34. This act shall take effect July 1, 2013.