



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 maximum civil penalties for  
39 | specified violations; amending s. 553.71, F.S.;  
40 | defining the term "local technical amendment";  
41 | amending s. 553.73, F.S.; prohibiting any provision of  
42 | the International Residential Code relating to  
43 | mandated fire sprinklers from incorporation into the  
44 | Florida Building Code; amending s. 553.74, F.S.;  
45 | revising the membership of the Florida Building  
46 | Commission; amending s. 553.79, F.S.; conforming a  
47 | cross-reference; authorizing a site plan to be  
48 | maintained at the worksite as an electronic copy;  
49 | requiring the copy to be open to inspection by certain  
50 | officials; amending s. 553.842, F.S.; requiring  
51 | statewide approval of impact protective systems by the  
52 | commission; requiring an application for state  
53 | approval of a certain product to be approved by the  
54 | department after the application and related  
55 | documentation are complete; amending ss. 553.901,  
56 | 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.;



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



85 | provisions relating to the certification of energy  
86 | efficiency ratings for compliance; providing an  
87 | effective date.

88 |

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

90 |

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

93 | 162.12 Notices.—

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

96 | (a) Certified mail, return receipt requested, to the  
97 | address listed in the tax collector's office for tax notices, or  
98 | to the address listed in the county property appraiser's  
99 | database. The local government may also provide an additional  
100 | notice to any other address it may find for ~~provided by~~ the  
101 | property owner ~~in writing to the local government for the~~  
102 | ~~purpose of receiving notices.~~ For property owned by a  
103 | corporation, notices may be provided by certified mail to the  
104 | registered agent of the corporation. If any notice sent by  
105 | certified mail is not signed as received within 30 days after  
106 | the postmarked date of mailing, notice may be provided by  
107 | posting as described in subparagraphs (2)(b)1. and 2.;

108 | (b) Hand delivery by the sheriff or other law enforcement  
109 | officer, code inspector, or other person designated by the local  
110 | governing body;

111 | (c) Leaving the notice at the violator's usual place of  
112 | residence with any person residing therein who is above 15 years



113 of age and informing such person of the contents of the notice;  
114 or

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

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

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

127 2. Proof of publication shall be made as provided in ss.  
128 50.041 and 50.051.

129 (b)1. In lieu of publication as described in paragraph  
130 (a), such notice may be posted at least 10 days prior to the  
131 hearing, or prior to the expiration of any deadline contained in  
132 the notice, in at least two locations, one of which shall be the  
133 property upon which the violation is alleged to exist and the  
134 other of which shall be, in the case of municipalities, at the  
135 primary municipal government office, and in the case of  
136 counties, at the front door of the courthouse or the main county  
137 governmental center in said county.

138 2. Proof of posting shall be by affidavit of the person  
139 posting the notice, which affidavit shall include a copy of the  
140 notice posted and the date and places of its posting.



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

144  
 145 Evidence that an attempt has been made to hand deliver or mail  
 146 notice as provided in subsection (1), together with proof of  
 147 publication or posting as provided in subsection (2), shall be  
 148 sufficient to show that the notice requirements of this part  
 149 have been met, without regard to whether or not the alleged  
 150 violator actually received such notice.

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

153 255.20 Local bids and contracts for public construction  
 154 works; specification of state-produced lumber.—

155 (3) (a) All county officials, boards of county  
 156 commissioners, school boards, city councils, city commissioners,  
 157 and all other public officers of state boards or commissions  
 158 that are charged with the letting of contracts for public work,  
 159 for the construction of public bridges, buildings, and other  
 160 structures must specify in the contract lumber, timber, and  
 161 other forest products produced and manufactured in this state if  
 162 wood is a component of the public work and such products are  
 163 available with equal ~~and their~~ price, fitness, and quality ~~are~~  
 164 ~~equal~~.

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

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

167 2. Jobs with ~~if the~~ structural or service requirements for  
 168 timber that ~~for a particular job~~ cannot be supplied by native



169 species, ~~or if the~~

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

173 4. Transportation projects for which federal aid funds are  
174 available.

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

177 255.2575 Energy-efficient and sustainable buildings.—

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

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

188 1. Plywood specified for monolithic concrete forms.

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

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

194 4. Transportation projects for which federal aid funds are  
195 available.

196 Section 4. Paragraph (a) of subsection (4) of section



197 255.257, Florida Statutes, is amended to read:

198 255.257 Energy management; buildings occupied by state  
199 agencies.—

200 (4) ADOPTION OF STANDARDS.—

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

205 Section 5. Paragraph (aa) of subsection (4) of section  
206 381.0065, Florida Statutes, is amended to read:

207 381.0065 Onsite sewage treatment and disposal systems;  
208 regulation.—

209 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
210 not construct, repair, modify, abandon, or operate an onsite  
211 sewage treatment and disposal system without first obtaining a  
212 permit approved by the department. The department may issue  
213 permits to carry out this section, but shall not make the  
214 issuance of such permits contingent upon prior approval by the  
215 Department of Environmental Protection, except that the issuance  
216 of a permit for work seaward of the coastal construction control  
217 line established under s. 161.053 shall be contingent upon  
218 receipt of any required coastal construction control line permit  
219 from the Department of Environmental Protection. A construction  
220 permit is valid for 18 months from the issuance date and may be  
221 extended by the department for one 90-day period under rules  
222 adopted by the department. A repair permit is valid for 90 days  
223 from the date of issuance. An operating permit must be obtained  
224 prior to the use of any aerobic treatment unit or if the





225 establishment generates commercial waste. Buildings or  
226 establishments that use an aerobic treatment unit or generate  
227 commercial waste shall be inspected by the department at least  
228 annually to assure compliance with the terms of the operating  
229 permit. The operating permit for a commercial wastewater system  
230 is valid for 1 year from the date of issuance and must be  
231 renewed annually. The operating permit for an aerobic treatment  
232 unit is valid for 2 years from the date of issuance and must be  
233 renewed every 2 years. If all information pertaining to the  
234 siting, location, and installation conditions or repair of an  
235 onsite sewage treatment and disposal system remains the same, a  
236 construction or repair permit for the onsite sewage treatment  
237 and disposal system may be transferred to another person, if the  
238 transferee files, within 60 days after the transfer of  
239 ownership, an amended application providing all corrected  
240 information and proof of ownership of the property. There is no  
241 fee associated with the processing of this supplemental  
242 information. A person may not contract to construct, modify,  
243 alter, repair, service, abandon, or maintain any portion of an  
244 onsite sewage treatment and disposal system without being  
245 registered under part III of chapter 489. A property owner who  
246 personally performs construction, maintenance, or repairs to a  
247 system serving his or her own owner-occupied single-family  
248 residence is exempt from registration requirements for  
249 performing such construction, maintenance, or repairs on that  
250 residence, but is subject to all permitting requirements. A  
251 municipality or political subdivision of the state may not issue  
252 a building or plumbing permit for any building that requires the



253 use of an onsite sewage treatment and disposal system unless the  
254 owner or builder has received a construction permit for such  
255 system from the department. A building or structure may not be  
256 occupied and a municipality, political subdivision, or any state  
257 or federal agency may not authorize occupancy until the  
258 department approves the final installation of the onsite sewage  
259 treatment and disposal system. A municipality or political  
260 subdivision of the state may not approve any change in occupancy  
261 or tenancy of a building that uses an onsite sewage treatment  
262 and disposal system until the department has reviewed the use of  
263 the system with the proposed change, approved the change, and  
264 amended the operating permit.

265 (aa) An existing-system inspection or evaluation and  
266 assessment, or a modification, replacement, or upgrade of an  
267 onsite sewage treatment and disposal system is not required for  
268 a remodeling addition or modification to a single-family home if  
269 a bedroom is not added. However, a remodeling addition or  
270 modification to a single-family home may not cover any part of  
271 the existing system or encroach upon a required setback or the  
272 unobstructed area. To determine if a setback or the unobstructed  
273 area is impacted, the local health department shall review and  
274 verify a floor plan and site plan of the proposed remodeling  
275 addition or modification to the home submitted by a remodeler  
276 which shows the location of the system, including the distance  
277 of the remodeling addition or modification to the home from the  
278 onsite sewage treatment and disposal system. The local health  
279 department may visit the site or otherwise determine the best  
280 means of verifying the information submitted. A verification of



281 the location of a system is not an inspection or evaluation and  
282 assessment of the system. The review and verification must be  
283 completed within 7 business days after receipt of a floor plan  
284 and site plan by the local health department. If the review and  
285 verification is not completed within such time, the remodeling  
286 addition or modification to the single-family home for the  
287 purposes of this paragraph is approved.

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

290 489.105 Definitions.—As used in this part:

291 (3) "Contractor" means the person who is qualified for,  
292 and is only responsible for, the project contracted for and  
293 means, except as exempted in this part, the person who, for  
294 compensation, undertakes to, submits a bid to, or does himself  
295 or herself or by others construct, repair, alter, remodel, add  
296 to, demolish, subtract from, or improve any building or  
297 structure, including related improvements to real estate, for  
298 others or for resale to others; and whose job scope is  
299 substantially similar to the job scope described in one of the  
300 paragraphs of this subsection. For the purposes of regulation  
301 under this part, the term "demolish" applies only to demolition  
302 of steel tanks more than 50 feet in height; towers more than 50  
303 feet in height; other structures more than 50 feet in height,  
304 other than buildings or residences more than three stories tall;  
305 and all buildings or residences more than three stories tall.  
306 Contractors are subdivided into two divisions, Division I,  
307 consisting of those contractors defined in paragraphs (a)-(c),  
308 and Division II, consisting of those contractors defined in



309 paragraphs (d)-(q):

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

315 (b) "Building contractor" means a contractor whose  
316 services are limited to construction of commercial buildings and  
317 single-dwelling or multiple-dwelling residential buildings,  
318 which do not exceed three stories in height, and accessory use  
319 structures in connection therewith or a contractor whose  
320 services are limited to remodeling, repair, or improvement of  
321 any size building if the services do not affect the structural  
322 members of the building.

323 (c) "Residential contractor" means a contractor whose  
324 services are limited to construction, remodeling, repair, or  
325 improvement of one-family, two-family, or three-family  
326 residences not exceeding two habitable stories above no more  
327 than one uninhabitable story and accessory use structures in  
328 connection therewith.

329 (d) "Sheet metal contractor" means a contractor whose  
330 services are unlimited in the sheet metal trade and who has the  
331 experience, knowledge, and skill necessary for the manufacture,  
332 fabrication, assembling, handling, erection, installation,  
333 dismantling, conditioning, adjustment, insulation, alteration,  
334 repair, servicing, or design, if not prohibited by law, of  
335 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
336 equivalent or lighter gauge and of other materials, including,



337 but not limited to, fiberglass, used in lieu thereof and of air-  
338 handling systems, including the setting of air-handling  
339 equipment and reinforcement of same, the balancing of air-  
340 handling systems, and any duct cleaning and equipment sanitizing  
341 that requires at least a partial disassembling of the system.

342 (e) "Roofing contractor" means a contractor whose services  
343 are unlimited in the roofing trade and who has the experience,  
344 knowledge, and skill to install, maintain, repair, alter,  
345 extend, or design, if not prohibited by law, and use materials  
346 and items used in the installation, maintenance, extension, and  
347 alteration of all kinds of roofing, waterproofing, and coating,  
348 except when coating is not represented to protect, repair,  
349 waterproof, stop leaks, or extend the life of the roof. The  
350 scope of work of a roofing contractor also includes skylights  
351 and any related work, required roof-deck attachments, and any  
352 repair or replacement of wood roof sheathing or fascia as needed  
353 during roof repair or replacement and any related work.

354 (f) "Class A air-conditioning contractor" means a  
355 contractor whose services are unlimited in the execution of  
356 contracts requiring the experience, knowledge, and skill to  
357 install, maintain, repair, fabricate, alter, extend, or design,  
358 if not prohibited by law, central air-conditioning,  
359 refrigeration, heating, and ventilating systems, including duct  
360 work in connection with a complete system if such duct work is  
361 performed by the contractor as necessary to complete an air-  
362 distribution system, boiler and unfired pressure vessel systems,  
363 and all appurtenances, apparatus, or equipment used in  
364 connection therewith, and any duct cleaning and equipment



365 sanitizing that requires at least a partial disassembling of the  
366 system; to install, maintain, repair, fabricate, alter, extend,  
367 or design, if not prohibited by law, piping, insulation of  
368 pipes, vessels and ducts, pressure and process piping, and  
369 pneumatic control piping; to replace, disconnect, or reconnect  
370 power wiring on the load side of the dedicated existing  
371 electrical disconnect switch; to install, disconnect, and  
372 reconnect low voltage heating, ventilating, and air-conditioning  
373 control wiring; and to install a condensate drain from an air-  
374 conditioning unit to an existing safe waste or other approved  
375 disposal other than a direct connection to a sanitary system.  
376 The scope of work for such contractor also includes any  
377 excavation work incidental thereto, but does not include any  
378 work such as liquefied petroleum or natural gas fuel lines  
379 within buildings, except for disconnecting or reconnecting  
380 changeouts of liquefied petroleum or natural gas appliances  
381 within buildings; potable water lines or connections thereto;  
382 sanitary sewer lines; swimming pool piping and filters; or  
383 electrical power wiring. A Class A air-conditioning contractor  
384 may test and evaluate central air-conditioning, refrigeration,  
385 heating, and ventilating systems, including duct work; however,  
386 a mandatory licensing requirement is not established for the  
387 performance of these specific services.

388 (g) "Class B air-conditioning contractor" means a  
389 contractor whose services are limited to 25 tons of cooling and  
390 500,000 Btu of heating in any one system in the execution of  
391 contracts requiring the experience, knowledge, and skill to  
392 install, maintain, repair, fabricate, alter, extend, or design,



393 | if not prohibited by law, central air-conditioning,  
394 | refrigeration, heating, and ventilating systems, including duct  
395 | work in connection with a complete system only to the extent  
396 | such duct work is performed by the contractor as necessary to  
397 | complete an air-distribution system being installed under this  
398 | classification, and any duct cleaning and equipment sanitizing  
399 | that requires at least a partial disassembling of the system; to  
400 | install, maintain, repair, fabricate, alter, extend, or design,  
401 | if not prohibited by law, piping and insulation of pipes,  
402 | vessels, and ducts; to replace, disconnect, or reconnect power  
403 | wiring on the load side of the dedicated existing electrical  
404 | disconnect switch; to install, disconnect, and reconnect low  
405 | voltage heating, ventilating, and air-conditioning control  
406 | wiring; and to install a condensate drain from an air-  
407 | conditioning unit to an existing safe waste or other approved  
408 | disposal other than a direct connection to a sanitary system.  
409 | The scope of work for such contractor also includes any  
410 | excavation work incidental thereto, but does not include any  
411 | work such as liquefied petroleum or natural gas fuel lines  
412 | within buildings, except for disconnecting or reconnecting  
413 | changeouts of liquefied petroleum or natural gas appliances  
414 | within buildings; potable water lines or connections thereto;  
415 | sanitary sewer lines; swimming pool piping and filters; or  
416 | electrical power wiring. A Class B air-conditioning contractor  
417 | may test and evaluate central air-conditioning, refrigeration,  
418 | heating, and ventilating systems, including duct work; however,  
419 | a mandatory licensing requirement is not established for the  
420 | performance of these specific services.



421 (h) "Class C air-conditioning contractor" means a  
422 contractor whose business is limited to the servicing of air-  
423 conditioning, heating, or refrigeration systems, including any  
424 duct cleaning and equipment sanitizing that requires at least a  
425 partial disassembling of the system, and whose certification or  
426 registration, issued pursuant to this part, was valid on October  
427 1, 1988. Only a person who was registered or certified as a  
428 Class C air-conditioning contractor as of October 1, 1988, shall  
429 be so registered or certified after October 1, 1988. However,  
430 the board shall continue to license and regulate those Class C  
431 air-conditioning contractors who held Class C licenses before  
432 October 1, 1988.

433 (i) "Mechanical contractor" means a contractor whose  
434 services are unlimited in the execution of contracts requiring  
435 the experience, knowledge, and skill to install, maintain,  
436 repair, fabricate, alter, extend, or design, if not prohibited  
437 by law, central air-conditioning, refrigeration, heating, and  
438 ventilating systems, including duct work in connection with a  
439 complete system if such duct work is performed by the contractor  
440 as necessary to complete an air-distribution system, boiler and  
441 unfired pressure vessel systems, lift station equipment and  
442 piping, and all appurtenances, apparatus, or equipment used in  
443 connection therewith, and any duct cleaning and equipment  
444 sanitizing that requires at least a partial disassembling of the  
445 system; to install, maintain, repair, fabricate, alter, extend,  
446 or design, if not prohibited by law, piping, insulation of  
447 pipes, vessels and ducts, pressure and process piping, pneumatic  
448 control piping, gasoline tanks and pump installations and piping





449 | for same, standpipes, air piping, vacuum line piping, oxygen  
450 | lines, nitrous oxide piping, ink and chemical lines, fuel  
451 | transmission lines, liquefied petroleum gas lines within  
452 | buildings, and natural gas fuel lines within buildings; to  
453 | replace, disconnect, or reconnect power wiring on the load side  
454 | of the dedicated existing electrical disconnect switch; to  
455 | install, disconnect, and reconnect low voltage heating,  
456 | ventilating, and air-conditioning control wiring; and to install  
457 | a condensate drain from an air-conditioning unit to an existing  
458 | safe waste or other approved disposal other than a direct  
459 | connection to a sanitary system. The scope of work for such  
460 | contractor also includes any excavation work incidental thereto,  
461 | but does not include any work such as potable water lines or  
462 | connections thereto, sanitary sewer lines, swimming pool piping  
463 | and filters, or electrical power wiring. A mechanical contractor  
464 | may test and evaluate central air-conditioning, refrigeration,  
465 | heating, and ventilating systems, including duct work; however,  
466 | a mandatory licensing requirement is not established for the  
467 | performance of these specific services.

468 |       (j) "Commercial pool/spa contractor" means a contractor  
469 | whose scope of work involves, but is not limited to, the  
470 | construction, repair, and servicing of any swimming pool, or hot  
471 | tub or spa, whether public, private, or otherwise, regardless of  
472 | use. The scope of work includes the installation, repair, or  
473 | replacement of existing equipment, any cleaning or equipment  
474 | sanitizing that requires at least a partial disassembling,  
475 | excluding filter changes, and the installation of new pool/spa  
476 | equipment, interior finishes, the installation of package pool



477 heaters, the installation of all perimeter piping and filter  
478 piping, and the construction of equipment rooms or housing for  
479 pool/spa equipment, and also includes the scope of work of a  
480 swimming pool/spa servicing contractor. The scope of such work  
481 does not include direct connections to a sanitary sewer system  
482 or to potable water lines. The installation, construction,  
483 modification, or replacement of equipment permanently attached  
484 to and associated with the pool or spa for the purpose of water  
485 treatment or cleaning of the pool or spa requires licensure;  
486 however, the usage of such equipment for the purposes of water  
487 treatment or cleaning does not require licensure unless the  
488 usage involves construction, modification, or replacement of  
489 such equipment. Water treatment that does not require such  
490 equipment does not require a license. In addition, a license is  
491 not required for the cleaning of the pool or spa in a way that  
492 does not affect the structural integrity of the pool or spa or  
493 its associated equipment.

494 (k) "Residential pool/spa contractor" means a contractor  
495 whose scope of work involves, but is not limited to, the  
496 construction, repair, and servicing of a residential swimming  
497 pool, or hot tub or spa, regardless of use. The scope of work  
498 includes the installation, repair, or replacement of existing  
499 equipment, any cleaning or equipment sanitizing that requires at  
500 least a partial disassembling, excluding filter changes, and the  
501 installation of new pool/spa equipment, interior finishes, the  
502 installation of package pool heaters, the installation of all  
503 perimeter piping and filter piping, and the construction of  
504 equipment rooms or housing for pool/spa equipment, and also



505 includes the scope of work of a swimming pool/spa servicing  
506 contractor. The scope of such work does not include direct  
507 connections to a sanitary sewer system or to potable water  
508 lines. The installation, construction, modification, or  
509 replacement of equipment permanently attached to and associated  
510 with the pool or spa for the purpose of water treatment or  
511 cleaning of the pool or spa requires licensure; however, the  
512 usage of such equipment for the purposes of water treatment or  
513 cleaning does not require licensure unless the usage involves  
514 construction, modification, or replacement of such equipment.  
515 Water treatment that does not require such equipment does not  
516 require a license. In addition, a license is not required for  
517 the cleaning of the pool or spa in a way that does not affect  
518 the structural integrity of the pool or spa or its associated  
519 equipment.

520 (1) "Swimming pool/spa servicing contractor" means a  
521 contractor whose scope of work involves, but is not limited to,  
522 the repair and servicing of a swimming pool, or hot tub or spa,  
523 whether public or private, or otherwise, regardless of use. The  
524 scope of work includes the repair or replacement of existing  
525 equipment, any cleaning or equipment sanitizing that requires at  
526 least a partial disassembling, excluding filter changes, and the  
527 installation of new pool/spa equipment, interior refinishing,  
528 the reinstallation or addition of pool heaters, the repair or  
529 replacement of all perimeter piping and filter piping, the  
530 repair of equipment rooms or housing for pool/spa equipment, and  
531 the substantial or complete draining of a swimming pool, or hot  
532 tub or spa, for the purpose of repair or renovation. The scope



533 | of such work does not include direct connections to a sanitary  
534 | sewer system or to potable water lines. The installation,  
535 | construction, modification, substantial or complete disassembly,  
536 | or replacement of equipment permanently attached to and  
537 | associated with the pool or spa for the purpose of water  
538 | treatment or cleaning of the pool or spa requires licensure;  
539 | however, the usage of such equipment for the purposes of water  
540 | treatment or cleaning does not require licensure unless the  
541 | usage involves construction, modification, substantial or  
542 | complete disassembly, or replacement of such equipment. Water  
543 | treatment that does not require such equipment does not require  
544 | a license. In addition, a license is not required for the  
545 | cleaning of the pool or spa in a way that does not affect the  
546 | structural integrity of the pool or spa or its associated  
547 | equipment.

548 |       (m) "Plumbing contractor" means a contractor whose  
549 | services are unlimited in the plumbing trade and includes  
550 | contracting business consisting of the execution of contracts  
551 | requiring the experience, financial means, knowledge, and skill  
552 | to install, maintain, repair, alter, extend, or, if not  
553 | prohibited by law, design plumbing. A plumbing contractor may  
554 | install, maintain, repair, alter, extend, or, if not prohibited  
555 | by law, design the following without obtaining an additional  
556 | local regulatory license, certificate, or registration: sanitary  
557 | drainage or storm drainage facilities, water and sewer plants  
558 | and substations, venting systems, public or private water supply  
559 | systems, septic tanks, drainage and supply wells, swimming pool  
560 | piping, irrigation systems, and solar heating water systems and



561 | all appurtenances, apparatus, or equipment used in connection  
562 | therewith, including boilers and pressure process piping and  
563 | including the installation of water, natural gas, liquefied  
564 | petroleum gas and related venting, and storm and sanitary sewer  
565 | lines. The scope of work of the plumbing contractor also  
566 | includes the design, if not prohibited by law, and installation,  
567 | maintenance, repair, alteration, or extension of air-piping,  
568 | vacuum line piping, oxygen line piping, nitrous oxide piping,  
569 | and all related medical gas systems; fire line standpipes and  
570 | fire sprinklers if authorized by law; ink and chemical lines;  
571 | fuel oil and gasoline piping and tank and pump installation,  
572 | except bulk storage plants; and pneumatic control piping  
573 | systems, all in a manner that complies with all plans,  
574 | specifications, codes, laws, and regulations applicable. The  
575 | scope of work of the plumbing contractor applies to private  
576 | property and public property, including any excavation work  
577 | incidental thereto, and includes the work of the specialty  
578 | plumbing contractor. Such contractor shall subcontract, with a  
579 | qualified contractor in the field concerned, all other work  
580 | incidental to the work but which is specified as being the work  
581 | of a trade other than that of a plumbing contractor. This  
582 | definition does not limit the scope of work of any specialty  
583 | contractor certified pursuant to s. 489.113(6), and does not  
584 | require certification or registration under this part of any  
585 | authorized employee of a public natural gas utility or of a  
586 | private natural gas utility regulated by the Public Service  
587 | Commission when disconnecting and reconnecting water lines in  
588 | the servicing or replacement of an existing water heater. A



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

593 (n) "Underground utility and excavation contractor" means  
594 a contractor whose services are limited to the construction,  
595 installation, and repair, on public or private property, whether  
596 accomplished through open excavations or through other means,  
597 including, but not limited to, directional drilling, auger  
598 boring, jacking and boring, trenchless technologies, wet and dry  
599 taps, grouting, and slip lining, of main sanitary sewer  
600 collection systems, main water distribution systems, storm sewer  
601 collection systems, and the continuation of utility lines from  
602 the main systems to a point of termination up to and including  
603 the meter location for the individual occupancy, sewer  
604 collection systems at property line on residential or single-  
605 occupancy commercial properties, or on multioccupancy properties  
606 at manhole or wye lateral extended to an invert elevation as  
607 engineered to accommodate future building sewers, water  
608 distribution systems, or storm sewer collection systems at storm  
609 sewer structures. However, an underground utility and excavation  
610 contractor may install empty underground conduits in rights-of-  
611 way, easements, platted rights-of-way in new site development,  
612 and sleeves for parking lot crossings no smaller than 2 inches  
613 in diameter if each conduit system installed is designed by a  
614 licensed professional engineer or an authorized employee of a  
615 municipality, county, or public utility and the installation of  
616 such conduit does not include installation of any conductor



617 wiring or connection to an energized electrical system. An  
618 underground utility and excavation contractor may not install  
619 piping that is an integral part of a fire protection system as  
620 defined in s. 633.021 beginning at the point where the piping is  
621 used exclusively for such system.

622 (o) "Solar contractor" means a contractor whose services  
623 consist of the installation, alteration, repair, maintenance,  
624 relocation, or replacement of solar panels for potable solar  
625 water heating systems, swimming pool solar heating systems, and  
626 photovoltaic systems and any appurtenances, apparatus, or  
627 equipment used in connection therewith, whether public, private,  
628 or otherwise, regardless of use. A contractor, certified or  
629 registered pursuant to this chapter, is not required to become a  
630 certified or registered solar contractor or to contract with a  
631 solar contractor in order to provide services enumerated in this  
632 paragraph that are within the scope of the services such  
633 contractors may render under this part.

634 (p) "Pollutant storage systems contractor" means a  
635 contractor whose services are limited to, and who has the  
636 experience, knowledge, and skill to install, maintain, repair,  
637 alter, extend, or design, if not prohibited by law, and use  
638 materials and items used in the installation, maintenance,  
639 extension, and alteration of, pollutant storage tanks. Any  
640 person installing a pollutant storage tank shall perform such  
641 installation in accordance with the standards adopted pursuant  
642 to s. 376.303.

643 (q) "Specialty contractor" means a contractor whose scope  
644 of work and responsibility is limited to a particular phase of



645 construction established in a category adopted by board rule and  
646 whose scope is limited to a subset of the activities described  
647 in one of the paragraphs of this subsection.

648 Section 7. The amendments made by s. 11 of chapter 2012-  
649 13, Laws of Florida, to s. 489.113(2), Florida Statutes, were  
650 remedial in nature and intended to clarify existing law. This  
651 section applies retroactively to any action initiated or pending  
652 on or after March 23, 2012.

653 Section 8. Paragraphs (c) and (f) of subsection (5) and  
654 subsection (6) of section 489.127, Florida Statutes, are amended  
655 to read:

656 489.127 Prohibitions; penalties.—

657 (5) Each county or municipality may, at its option,  
658 designate one or more of its code enforcement officers, as  
659 defined in chapter 162, to enforce, as set out in this  
660 subsection, the provisions of subsection (1) and s. 489.132(1)  
661 against persons who engage in activity for which a county or  
662 municipal certificate of competency or license or state  
663 certification or registration is required.

664 (c) The local governing body of the county or municipality  
665 may ~~is authorized to~~ enforce codes and ordinances against  
666 unlicensed contractors under the provisions of this subsection  
667 and may enact an ordinance establishing procedures for  
668 implementing this subsection, including a schedule of penalties  
669 to be assessed by the code enforcement officer. The maximum  
670 civil penalty which may be levied may ~~shall~~ not exceed \$2,000  
671 ~~\$500~~. Moneys collected pursuant to this subsection shall be  
672 retained locally, as provided for by local ordinance, and may be





673 set aside in a specific fund to support future enforcement  
674 activities against unlicensed contractors.

675 (f) If the enforcement or licensing board or designated  
676 special magistrate finds that a violation exists, the  
677 enforcement or licensing board or designated special magistrate  
678 may order the violator to pay a civil penalty of not less than  
679 the amount set forth on the citation but not more than \$2,500  
680 ~~\$1,000~~ per day for each violation. In determining the amount of  
681 the penalty, the enforcement or licensing board or designated  
682 special magistrate shall consider the following factors:

683 1. The gravity of the violation.

684 2. Any actions taken by the violator to correct the  
685 violation.

686 3. Any previous violations committed by the violator.

687 (6) Local building departments may collect outstanding  
688 fines against registered or certified contractors issued by the  
689 Construction Industry Licensing Board and may retain 75 ~~25~~  
690 percent of the fines they are able to collect, provided that  
691 they transmit 25 ~~75~~ percent of the fines they are able to  
692 collect to the department according to a procedure to be  
693 determined by the department.

694 Section 9. Paragraph (a) of subsection (7) of section  
695 489.131, Florida Statutes, is amended to read:

696 489.131 Applicability.—

697 (7) (a) It is the policy of the state that the purpose of  
698 regulation is to protect the public by attaining compliance with  
699 the policies established in law. Fines and other penalties are  
700 provided in order to ensure compliance; ~~however, the collection~~



CS/CS/CS/HB 1245, Engrossed 1

2013

701 ~~of fines and the imposition of penalties are intended to be~~  
702 ~~secondary to the primary goal of attaining compliance with state~~  
703 ~~laws and local jurisdiction ordinances. It is the intent of the~~  
704 ~~Legislature that a local jurisdiction agency charged with~~  
705 ~~enforcing regulatory laws shall issue a notice of noncompliance~~  
706 ~~as its first response to a minor violation of a regulatory law~~  
707 ~~in any instance in which it is reasonable to assume that the~~  
708 ~~violator was unaware of such a law or unclear as to how to~~  
709 ~~comply with it. A violation of a regulatory law is a "minor~~  
710 ~~violation" if it does not result in economic or physical harm to~~  
711 ~~a person or adversely affect the public health, safety, or~~  
712 ~~welfare or create a significant threat of such harm. A "notice~~  
713 ~~of noncompliance" is a notification by the local jurisdiction~~  
714 ~~agency charged with enforcing the ordinance, which is issued to~~  
715 ~~the licensee that is subject to the ordinance. A notice of~~  
716 ~~noncompliance should not be accompanied with a fine or other~~  
717 ~~disciplinary penalty. It should identify the specific ordinance~~  
718 ~~that is being violated, provide information on how to comply~~  
719 ~~with the ordinance, and specify a reasonable time for the~~  
720 ~~violator to comply with the ordinance. Failure of a licensee to~~  
721 ~~take action correcting the violation within a set period of time~~  
722 ~~would then result in the institution of further disciplinary~~  
723 ~~proceedings.~~

724 Section 10. Section 489.514, Florida Statutes, is amended  
725 to read:

726 489.514 Certification for registered contractors;  
727 grandfathering provisions.—

728 (1) The board shall, upon receipt of a completed



729 application, appropriate fee, and proof of compliance with the  
730 provisions of this section, issue:

731 (a) To an applying registered electrical contractor, a  
732 certificate as an electrical contractor, as defined in s.  
733 489.505(12); ~~or~~

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

737 (c) To an applying registered electrical specialty  
738 contractor, a certificate in the matching electrical specialty  
739 contractor category, as defined in s. 489.505(19).

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

743 (a) Currently holds a valid registered local license in  
744 the category of electrical contractor, alarm system contractor,  
745 or electrical specialty contractor.

746 (b) Has, for that category, passed a written, proctored  
747 examination that the board finds to be substantially similar to  
748 the examination required to be licensed as a certified  
749 contractor under this part. For purposes of this subsection, a  
750 written, proctored examination such as that produced by the  
751 National Assessment Institute, Block and Associates, NAI/Block,  
752 Experior Assessments, Professional Testing, Inc., or Assessment  
753 Systems, Inc., shall be considered to be substantially similar  
754 to the examination required to be licensed as a certified  
755 contractor. The board may not impose or make any requirements  
756 regarding the nature or content of these cited examinations.



757 (c) Has at least 5 years of experience as a contractor in  
758 that contracting category, or as an inspector or building  
759 administrator with oversight over that category, at the time of  
760 application. For contractors, only time periods in which the  
761 contractor license is active and the contractor is not on  
762 probation shall count toward the 5 years required under this  
763 subsection.

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

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

770 (3) An applicant must make application by November 1, 2015  
771 ~~2004~~, to be licensed pursuant to this section.

772 Section 11. Paragraphs (c) and (f) of subsection (4) of  
773 section 489.531, Florida Statutes, are amended to read:

774 489.531 Prohibitions; penalties.—

775 (4) Each county or municipality may, at its option,  
776 designate one or more of its code enforcement officers, as  
777 defined in chapter 162, to enforce, as set out in this  
778 subsection, the provisions of subsection (1) against persons who  
779 engage in activity for which county or municipal certification  
780 is required.

781 (c) The local governing body of the county or municipality  
782 ~~may is authorized to~~ enforce codes and ordinances against  
783 unlicensed contractors under the provisions of this section and  
784 may enact an ordinance establishing procedures for implementing



785 | this section, including a schedule of penalties to be assessed  
786 | by the code enforcement officers. The maximum civil penalty  
787 | which may be levied may ~~shall~~ not exceed \$2,000 ~~\$500~~. Moneys  
788 | collected pursuant to this section shall be retained locally as  
789 | provided for by local ordinance and may be set aside in a  
790 | specific fund to support future enforcement activities against  
791 | unlicensed contractors.

792 | (f) If the enforcement or licensing board or designated  
793 | special magistrate finds that a violation exists, the  
794 | enforcement or licensing board or designated special magistrate  
795 | may order the violator to pay a civil penalty of not less than  
796 | the amount set forth on the citation but not more than \$2,500  
797 | ~~\$500~~ per day for each violation. In determining the amount of  
798 | the penalty, the enforcement or licensing board or designated  
799 | special magistrate shall consider the following factors:

- 800 | 1. The gravity of the violation.
- 801 | 2. Any actions taken by the violator to correct the  
802 | violation.
- 803 | 3. Any previous violations committed by the violator.

804 | Section 12. Present subsections (6) through (11) of  
805 | section 553.71, Florida Statutes, are renumbered as subsections  
806 | (7) through (12), respectively, and a new subsection (6) is  
807 | added to that section, to read:

808 | 553.71 Definitions.—As used in this part, the term:

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

812 | Section 13. Subsection (17) of section 553.73, Florida



CS/CS/CS/HB 1245, Engrossed 1

2013

813 Statutes, is amended to read:

814 553.73 Florida Building Code.—

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

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

829 553.74 Florida Building Commission.—

830 (1) The Florida Building Commission is created and located  
831 within the Department of Business and Professional Regulation  
832 for administrative purposes. Members are ~~shall be~~ appointed by  
833 the Governor subject to confirmation by the Senate. The  
834 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of  
835 the following:

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

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



841 state and actively engaged in the profession. The Florida  
842 Engineering Society is encouraged to recommend a list of  
843 candidates for consideration.

844 (c) One air-conditioning or mechanical contractor  
845 certified to do business in this state and actively engaged in  
846 the profession. The Florida Air Conditioning Contractors  
847 Association, the Florida Refrigeration and Air Conditioning  
848 Contractors Association, and the Mechanical Contractors  
849 Association of Florida are encouraged to recommend a list of  
850 candidates for consideration.

851 (d) One electrical contractor certified to do business in  
852 this state and actively engaged in the profession. The Florida  
853 Electrical Contractors Association and the National Electrical  
854 Contractors Association, Florida Chapter, are encouraged to  
855 recommend a list of candidates for consideration.

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

861 (f) One general contractor certified to do business in  
862 this state and actively engaged in the profession. The  
863 Associated Builders and Contractors of Florida, the Florida  
864 Associated General Contractors Council, and the Union  
865 Contractors Association are encouraged to recommend a list of  
866 candidates for consideration.

867 (g) One plumbing contractor licensed to do business in  
868 this state and actively engaged in the profession. The Florida



869 Association of Plumbing, Heating, and Cooling Contractors is  
870 encouraged to recommend a list of candidates for consideration.

871 (h) One roofing or sheet metal contractor certified to do  
872 business in this state and actively engaged in the profession.  
873 The Florida Roofing, Sheet Metal, and Air Conditioning  
874 Contractors Association and the Sheet Metal and Air Conditioning  
875 Contractors National Association are encouraged to recommend a  
876 list of candidates for consideration.

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

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

886 (k) One member who represents the Department of Financial  
887 Services.

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

891 (m) One member of a Florida-based organization of persons  
892 with disabilities or a nationally chartered organization of  
893 persons with disabilities with chapters in this state.

894 (n) One member of the manufactured buildings industry who  
895 is licensed to do business in this state and is actively engaged  
896 in the industry. The Florida Manufactured Housing Association is





897 encouraged to recommend a list of candidates for consideration.

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

902 (p) One member who is a representative of a municipality  
903 or a charter county. The Florida League of Cities and the  
904 Florida Association of Counties are encouraged to recommend a  
905 list of candidates for consideration.

906 (q) One member of the building products manufacturing  
907 industry who is authorized to do business in this state and is  
908 actively engaged in the industry. The Florida Building Material  
909 Association, the Florida Concrete and Products Association, and  
910 the Fenestration Manufacturers Association are encouraged to  
911 recommend a list of candidates for consideration.

912 (r) One member who is a representative of the building  
913 owners and managers industry who is actively engaged in  
914 commercial building ownership or management. The Building Owners  
915 and Managers Association is encouraged to recommend a list of  
916 candidates for consideration.

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

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

922 (u) One member who is a swimming pool contractor licensed  
923 to do business in this state and actively engaged in the  
924 profession. The Florida Swimming Pool Association and the United



925 Pool and Spa Association are encouraged to recommend a list of  
926 candidates for consideration.

927 (v) One member who is a representative of the green  
928 building industry and who is a third-party commission agent, a  
929 Florida board member of the United States Green Building Council  
930 or Green Building Initiative, a professional who is accredited  
931 under the International Green Construction Code (IGCC), or a  
932 professional who is accredited under Leadership in Energy and  
933 Environmental Design (LEED).

934 (w) One member who is a representative of a natural gas  
935 distribution system who is actively engaged in the distribution  
936 of natural gas in this state. The Florida Natural Gas  
937 Association is encouraged to recommend a list of candidates for  
938 consideration.

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

940  
941 Any person serving on the commission under paragraph (c) or  
942 paragraph (h) on October 1, 2003, and who has served less than  
943 two full terms is eligible for reappointment to the commission  
944 regardless of whether he or she meets the new qualification.

945 Section 15. Paragraph (a) of subsection (5) of section  
946 553.79, Florida Statutes, is amended, and subsection (18) is  
947 added to that section, to read:

948 553.79 Permits; applications; issuance; inspections.—

949 (5) (a) The enforcing agency shall require a special  
950 inspector to perform structural inspections on a threshold  
951 building pursuant to a structural inspection plan prepared by  
952 the engineer or architect of record. The structural inspection



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

974 | (18) For the purpose of inspection and record retention,  
975 | site plans for a building may be maintained in the form of an  
976 | electronic copy at the worksite. These plans must be open to  
977 | inspection by the building official or a duly authorized  
978 | representative, as required by the Florida Building Code.

979 | Section 16. Paragraph (a) of subsection (5) of section  
980 | 553.842, Florida Statutes, is amended to read:



981 553.842 Product evaluation and approval.—

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

998 (a) Products for which the code establishes standardized  
999 testing or comparative or rational analysis methods shall be  
1000 approved by submittal and validation of one of the following  
1001 reports or listings indicating that the product or method or  
1002 system of construction was in compliance with the Florida  
1003 Building Code and that the product or method or system of  
1004 construction is, for the purpose intended, at least equivalent  
1005 to that required by the Florida Building Code:

1006 1. A certification mark or listing of an approved  
1007 certification agency, which may be used only for products for  
1008 which the code designates standardized testing;



1009           2. A test report from an approved testing laboratory;  
 1010           3. A product evaluation report based upon testing or  
 1011 comparative or rational analysis, or a combination thereof, from  
 1012 an approved product evaluation entity; or  
 1013           4. A product evaluation report based upon testing or  
 1014 comparative or rational analysis, or a combination thereof,  
 1015 developed and signed and sealed by a professional engineer or  
 1016 architect, licensed in this state.  
 1017  
 1018 A product evaluation report or a certification mark or listing  
 1019 of an approved certification agency which demonstrates that the  
 1020 product or method or system of construction complies with the  
 1021 Florida Building Code for the purpose intended is equivalent to  
 1022 a test report and test procedure referenced in the Florida  
 1023 Building Code. An application for state approval of a product  
 1024 under subparagraph 1. or subparagraph 3. must be approved by the  
 1025 department after the commission staff or a designee verifies  
 1026 that the application and related documentation are complete.  
 1027 This verification must be completed within 10 business days  
 1028 after receipt of the application. Upon approval by the  
 1029 department, the product shall be immediately added to the list  
 1030 of state-approved products maintained under subsection (13).  
 1031 Approvals by the department shall be reviewed and ratified by  
 1032 the commission's program oversight committee except for a  
 1033 showing of good cause that a review by the full commission is  
 1034 necessary. The commission shall adopt rules providing means to  
 1035 cure deficiencies identified within submittals for products  
 1036 approved under this paragraph.



1037 Section 17. Section 553.901, Florida Statutes, is amended  
 1038 to read:

1039 553.901 Purpose of thermal efficiency code.—The Department  
 1040 of Business and Professional Regulation shall prepare a thermal  
 1041 efficiency code to provide for a statewide uniform standard for  
 1042 energy efficiency in the thermal design and operation of all  
 1043 buildings statewide, consistent with energy conservation goals,  
 1044 and to best provide for public safety, health, and general  
 1045 welfare. The Florida Building Commission shall adopt the Florida  
 1046 Building Code—Energy Conservation ~~Energy Efficiency Code for~~  
 1047 ~~Building Construction within the Florida Building Code~~, and  
 1048 shall modify, revise, update, and maintain the code to implement  
 1049 the provisions of this thermal efficiency code and amendments  
 1050 thereto, in accordance with the procedures of chapter 120. The  
 1051 department shall, at least triennially, determine the most cost-  
 1052 effective energy-saving equipment and techniques available and  
 1053 report its determinations to the commission, which shall update  
 1054 the code to incorporate such equipment and techniques. The  
 1055 proposed changes shall be made available for public review and  
 1056 comment no later than 6 months before ~~prior to~~ code  
 1057 implementation. The term "cost-effective," as used in ~~for the~~  
 1058 ~~purposes of this part~~, means ~~shall be construed to mean~~ cost-  
 1059 effective to the consumer.

1060 Section 18. Section 553.902, Florida Statutes, is  
 1061 reordered and amended to read:

1062 553.902 Definitions.—As used in ~~For the purposes of this~~  
 1063 part, the term:

1064 (1)(6) "Energy performance level" means the indicator of



1065 the energy-related performance of a building, including, but not  
 1066 limited to, the levels of insulation, the amount and type of  
 1067 glass, and the HVAC and water heating system efficiencies.

1068 (2)~~(1)~~ "Exempted building" means:

1069 (a) A ~~Any~~ building or portion thereof whose peak design  
 1070 rate of energy usage for all purposes is less than 1 watt (3.4  
 1071 Btu per hour) per square foot of floor area for all purposes.

1072 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled  
 1073 by a mechanical system designed to control or modify the indoor  
 1074 temperature and powered by electricity or fossil fuels.

1075 (c) A ~~Any~~ building for which federal mandatory standards  
 1076 preempt state energy codes.

1077 (d) A ~~Any~~ historical building as described in s.  
 1078 267.021(3).

1079  
 1080 The Florida Building Commission may recommend to the Legislature  
 1081 additional types of buildings which should be exempted from  
 1082 compliance with the Florida Building Code—Energy Conservation  
 1083 ~~Energy Efficiency Code for Building Construction~~.

1084 (3)~~(5)~~ "Exterior envelope physical characteristics" means  
 1085 the physical nature of those elements of a building which  
 1086 enclose conditioned spaces through which energy may be  
 1087 transferred to or from the exterior.

1088 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and  
 1089 air-conditioning.

1090 (5)~~(4)~~ "Local enforcement agency" means the agency of  
 1091 local government which has the authority to make inspections of  
 1092 buildings and to enforce the Florida Building Code. The term ~~It~~



1093 includes any agency within the definition of s. 553.71(5).

1094 (6)~~(3)~~ "Renovated building" means a residential or  
 1095 nonresidential building undergoing alteration that varies or  
 1096 changes insulation, HVAC systems, water heating systems, or  
 1097 exterior envelope conditions, if ~~provided~~ the estimated cost of  
 1098 renovation exceeds 30 percent of the assessed value of the  
 1099 structure.

1100 Section 19. Section 553.903, Florida Statutes, is amended  
 1101 to read:

1102 553.903 Applicability.—This part applies ~~shall apply~~ to  
 1103 all new and renovated buildings in the state, except exempted  
 1104 buildings, for which building permits are obtained after March  
 1105 15, 1979, and to the installation or replacement of building  
 1106 systems and components with new products for which thermal  
 1107 efficiency standards are set by the Florida Building Code—Energy  
 1108 Conservation ~~Energy Efficiency Code for Building Construction~~.  
 1109 The provisions of this part shall constitute a statewide uniform  
 1110 code.

1111 Section 20. Section 553.904, Florida Statutes, is amended  
 1112 to read:

1113 553.904 Thermal efficiency standards for new  
 1114 nonresidential buildings.—Thermal designs and operations for new  
 1115 nonresidential buildings for which building permits are obtained  
 1116 after March 15, 1979, must ~~shall~~ at a minimum take into account  
 1117 exterior envelope physical characteristics, including thermal  
 1118 mass; HVAC, service water heating, energy distribution,  
 1119 lighting, energy managing, and auxiliary systems design and  
 1120 selection; and HVAC, service water heating, energy distribution,





CS/CS/CS/HB 1245, Engrossed 1

2013

1121 lighting, energy managing, and auxiliary equipment performance,  
1122 and are ~~shall~~ not be required to meet standards more stringent  
1123 than the provisions of the Florida Building Code—Energy  
1124 Conservation ~~Energy Efficiency Code for Building Construction~~.

1125 Section 21. Section 553.905, Florida Statutes, is amended  
1126 to read:

1127 553.905 Thermal efficiency standards for new residential  
1128 buildings.—Thermal designs and operations for new residential  
1129 buildings for which building permits are obtained after March  
1130 15, 1979, must ~~shall~~ at a minimum take into account exterior  
1131 envelope physical characteristics, HVAC system selection and  
1132 configuration, HVAC equipment performance, and service water  
1133 heating design and equipment selection and are ~~shall~~ not be  
1134 required to meet standards more stringent than the provisions of  
1135 the Florida Building Code—Energy Conservation ~~Energy Efficiency~~  
1136 ~~Code for Building Construction~~. HVAC equipment mounted in an  
1137 attic or a garage is ~~shall~~ not be required to have supplemental  
1138 insulation in addition to that installed by the manufacturer.  
1139 All new residential buildings, except those herein exempted,  
1140 must ~~shall~~ have insulation in ceilings rated at R-19 or more,  
1141 space permitting. Thermal efficiency standards do not apply to a  
1142 building of less than 1,000 square feet which is not primarily  
1143 used as a principal residence and which is constructed and owned  
1144 by a natural person for hunting or similar recreational  
1145 purposes; however, ~~no~~ such person may not build more than one  
1146 exempt building in any 12-month period.

1147 Section 22. Section 553.906, Florida Statutes, is amended  
1148 to read:



1149           553.906 Thermal efficiency standards for renovated  
1150 buildings.—Thermal designs and operations for renovated  
1151 buildings for which building permits are obtained after March  
1152 15, 1979, must ~~shall~~ take into account insulation; windows;  
1153 infiltration; and HVAC, service water heating, energy  
1154 distribution, lighting, energy managing, and auxiliary systems  
1155 design and equipment selection and performance. Such buildings  
1156 are ~~shall~~ not ~~be~~ required to meet standards more stringent than  
1157 the provisions of the Florida Building Code—Energy Conservation  
1158 ~~Energy Efficiency Code for Building Construction~~. These  
1159 standards apply only to those portions of the structure which  
1160 are actually renovated.

1161           Section 23. Section 553.912, Florida Statutes, is amended  
1162 to read:

1163           553.912 Air conditioners.—All air conditioners that are  
1164 sold or installed in the state must ~~shall~~ meet the minimum  
1165 efficiency ratings of the Florida ~~Energy Efficiency Code for~~  
1166 Building Code—Energy Conservation Construction. These efficiency  
1167 ratings must ~~shall~~ be minimums and may be updated in the Florida  
1168 Building Code—Energy Conservation ~~Energy Efficiency Code for~~  
1169 ~~Building Construction~~ by the department in accordance with s.  
1170 553.901, following its determination that more cost-effective  
1171 energy-saving equipment and techniques are available. It is the  
1172 intent of the Legislature that all replacement air-conditioning  
1173 systems in residential applications be installed using energy-  
1174 saving, quality installation procedures, including, but not  
1175 limited to, equipment sizing analysis and duct inspection.  
1176 Notwithstanding this section, existing heating and cooling



1177 equipment in residential applications need not meet the minimum  
 1178 equipment efficiencies, including system sizing and duct  
 1179 sealing.

1180 Section 24. Section 553.991, Florida Statutes, is amended  
 1181 to read:

1182 553.991 Purpose.—The purpose of this part is to identify  
 1183 systems ~~provide for a statewide uniform system~~ for rating the  
 1184 energy efficiency of buildings. It is in the interest of the  
 1185 state to encourage the consideration of ~~the~~ energy-efficiency  
 1186 rating systems ~~system~~ in the market so as to provide market  
 1187 rewards for energy-efficient buildings and to those persons or  
 1188 companies designing, building, or selling energy-efficient  
 1189 buildings.

1190 Section 25. Section 553.992, Florida Statutes, is  
 1191 repealed.

1192 Section 26. Section 553.993, Florida Statutes, is amended  
 1193 to read:

1194 553.993 Definitions.—For purposes of this part:

1195 (1) "Acquisition" means to gain the sole or partial use of  
 1196 a building through a purchase agreement.

1197 (2) "Builder" means the primary contractor who possesses  
 1198 the requisite skill, knowledge, and experience, and has the  
 1199 responsibility, to supervise, direct, manage, and control the  
 1200 contracting activities of the business organization with which  
 1201 she or he is connected and who has the responsibility to  
 1202 supervise, direct, manage, and control the construction work on  
 1203 a job for which she or he has obtained the building permit.

1204 Construction work includes, but is not limited to, foundation,



1205 framing, wiring, plumbing, and finishing work.

1206 (3) "Building energy-efficiency rating system" means a  
1207 whole building energy evaluation system established by the  
1208 Residential Energy Services Network, the Commercial Energy  
1209 Services Network, the Building Performance Institute, or the  
1210 Florida Solar Energy Center.

1211 (4)~~(3)~~ "Designer" means the architect, engineer, landscape  
1212 architect, builder, interior designer, or other person who  
1213 performs the actual design work or under whose direct  
1214 supervision and responsible charge the construction documents  
1215 are prepared.

1216 (5) "Energy auditor" means a trained and certified  
1217 professional who conducts energy evaluations of an existing  
1218 building and uses tools to identify the building's current  
1219 energy usage and the condition of the building and equipment.

1220 (6) "Energy-efficiency rating" means an unbiased  
1221 indication of a building's relative energy efficiency based on  
1222 consistent inspection procedures, operating assumptions, climate  
1223 data, and calculation methods.

1224 (7) "Energy rater" means an individual certified by a  
1225 building energy-efficiency rating system to perform building  
1226 energy-efficiency ratings for the building type and in the  
1227 rating class for which the rater is certified.

1228 (8)~~(4)~~ "New building" means commercial occupancy buildings  
1229 permitted for construction after January 1, 1995, and  
1230 residential occupancy buildings permitted for construction after  
1231 January 1, 1994.

1232 (9)~~(5)~~ "Public building" means a building comfort-



1233 conditioned for occupancy that is owned or leased by the state,  
 1234 a state agency, or a governmental subdivision, including, but  
 1235 not limited to, a city, county, or school district.

1236 Section 27. Section 553.994, Florida Statutes, is amended  
 1237 to read:

1238 553.994 Applicability.~~Building energy-efficiency~~ The  
 1239 rating systems ~~system shall~~ apply to all public, commercial, and  
 1240 residential buildings in the state.

1241 Section 28. Section 553.995, Florida Statutes, is amended  
 1242 to read:

1243 553.995 Energy-efficiency ratings for buildings.—

1244 (1) Building ~~The~~ energy-efficiency rating systems must,  
 1245 ~~system shall~~ at a minimum:

1246 ~~(a) Provide a uniform rating scale of the efficiency of~~  
 1247 ~~buildings based on annual energy usage.~~

1248 (a)~~(b)~~ Take into account local climate conditions,  
 1249 construction practices, and building use.

1250 (b)~~(e)~~ Be compatible with standard federal rating systems  
 1251 and state building codes and standards, where applicable, and  
 1252 shall satisfy the requirements of s. 553.9085 with respect to  
 1253 residential buildings and s. 255.256 with respect to state  
 1254 buildings.

1255 (c)~~(2)~~ ~~The energy-efficiency rating~~ systems ~~system~~ adopted  
 1256 ~~by the department shall~~ Provide a means of analyzing ~~and~~  
 1257 ~~comparing~~ the relative energy efficiency of buildings upon the  
 1258 sale of new or existing residential, public, or commercial  
 1259 buildings.

1260 ~~(3) The department shall establish a voluntary working~~



CS/CS/CS/HB 1245, Engrossed 1

2013

1261 ~~group of persons interested in the energy efficiency rating~~  
1262 ~~system or energy efficiency, including, but not limited to, such~~  
1263 ~~persons as electrical engineers, mechanical engineers,~~  
1264 ~~architects, public utilities, and builders. The interest group~~  
1265 ~~shall advise the department in the development of the energy-~~  
1266 ~~efficiency rating system and shall assist the department in the~~  
1267 ~~implementation of the rating system by coordinating educational~~  
1268 ~~programs for designers, builders, businesses, and other~~  
1269 ~~interested persons to assist compliance and to facilitate~~  
1270 ~~incorporation of the rating system into existing practices.~~

1271 ~~(2) (a) (4) The department shall develop a training and~~  
1272 ~~certification program to certify raters. In addition to the~~  
1273 ~~department, Ratings may be conducted by a any local government~~  
1274 ~~or private entity if, ~~provided that~~ the appropriate persons have~~  
1275 ~~completed the necessary training established by the applicable~~  
1276 ~~building energy-efficiency rating system and have been certified~~  
1277 ~~by the department.~~

1278 ~~(b) The Department of Management Services shall rate~~  
1279 ~~state-owned or state-leased buildings if, ~~provided that~~ the~~  
1280 ~~appropriate persons have completed the necessary training~~  
1281 ~~established by the applicable building energy-efficiency rating~~  
1282 ~~system and have been certified by the Department of Business and~~  
1283 ~~Professional Regulation.~~

1284 ~~(c) A state agency that ~~which~~ has building construction~~  
1285 ~~regulation authority may rate its own buildings and those it is~~  
1286 ~~responsible for, if the appropriate persons have completed the~~  
1287 ~~necessary training established by the applicable building~~  
1288 ~~energy-efficiency rating system and have been certified by the~~



1289 ~~Department of Business and Professional Regulation. The~~  
 1290 ~~Department of Business and Professional Regulation may charge a~~  
 1291 ~~fee not to exceed the costs for the training and certification~~  
 1292 ~~of raters. The department shall by rule set the appropriate~~  
 1293 ~~charges for raters to charge for energy ratings, not to exceed~~  
 1294 ~~the actual costs.~~

1295 Section 29. Section 553.996, Florida Statutes, is amended  
 1296 to read:

1297 553.996 Energy-efficiency information provided by building  
 1298 energy-efficiency rating systems providers brochure.—A

1299 prospective purchaser of real property with a building for  
 1300 occupancy located thereon shall be provided ~~with a copy of an~~  
 1301 ~~information brochure,~~ at the time of or before ~~prior to~~ the  
 1302 purchaser's execution of the contract for sale and purchase  
 1303 which notifies, ~~notifying~~ the purchaser of the option for an

1304 energy-efficiency rating on the building. Building energy-  
 1305 efficiency rating system providers identified in this part shall  
 1306 prepare such information and make it available for distribution

1307 ~~Such brochure shall be prepared, made available for~~  
 1308 ~~distribution, and provided at no cost by the department. Such~~  
 1309 ~~brochure shall contain~~ information relevant to that class of  
 1310 building must include, ~~including,~~ but need not be limited to:

- 1311 (1) How to analyze the building's energy-efficiency  
 1312 rating.
- 1313 (2) Comparisons to statewide averages for new and existing  
 1314 construction of that class.
- 1315 (3) Information concerning methods to improve the  
 1316 building's energy-efficiency rating.



CS/CS/CS/HB 1245, Engrossed 1

2013

1317 (4) A notice to residential purchasers that the energy-  
1318 efficiency rating may qualify the purchaser for an energy-  
1319 efficient mortgage from lending institutions.

1320 Section 30. Subsection (2) of section 553.997, Florida  
1321 Statutes, is amended to read:

1322 553.997 Public buildings.—

1323 (2) ~~The department, together with other~~ State agencies  
1324 with having building construction and maintenance  
1325 responsibilities, shall make available energy-efficiency  
1326 practices information to be used by individuals involved in the  
1327 design, construction, retrofitting, and maintenance of buildings  
1328 for state and local governments.

1329 Section 31. Section 553.998, Florida Statutes, is amended  
1330 to read:

1331 553.998 Compliance.—All ratings must ~~shall~~ be determined  
1332 using tools and procedures developed by the systems recognized  
1333 under this part ~~adopted by the department by rule in accordance~~  
1334 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as  
1335 accurate and correct and in compliance with procedures of the  
1336 adopted system under which the rater is certified ~~by the~~  
1337 ~~department by rule in accordance with chapter 120.~~

1338 Section 32. This act shall take effect July 1, 2013.