



290726

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/25/2013	.	
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The Committee on Appropriations (Gardiner) recommended the following:

1 **Senate Substitute for Amendment (269142) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 162.12 Notices.—

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

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



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

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

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

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

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

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



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42 2. Proof of publication shall be made as provided in ss.
43 50.041 and 50.051.

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

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

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

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

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

69 255.20 Local bids and contracts for public construction
70 works; specification of state-produced lumber.-



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71 (3) (a) All county officials, boards of county
72 commissioners, school boards, city councils, city commissioners,
73 and all other public officers of state boards or commissions
74 that are charged with the letting of contracts for public work,
75 for the construction of public bridges, buildings, and other
76 structures must specify in the contract lumber, timber, and
77 other forest products produced and manufactured in this state,
78 if wood is a component of the public work, and if such products
79 are available and their price, fitness, and quality are equal.

80 (b) This subsection does not apply:

81 1. To plywood specified for monolithic concrete forms.~~7~~

82 2. If the structural or service requirements for timber for
83 a particular job cannot be supplied by native species.~~7~~~~or~~

84 3. If the construction is financed in whole or in part from
85 federal funds with the requirement that there be no restrictions
86 as to species or place of manufacture.

87 4. To transportation projects for which federal aid funds
88 are available.

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

91 255.2575 Energy-efficient and sustainable buildings.-

92 (4) (a) All state agencies, county officials, boards of
93 county commissioners, school boards, city councils, city
94 commissioners, and all other public officers of state boards or
95 commissions that are charged with the letting of contracts for
96 public work, for the construction of public bridges, buildings,
97 and other structures must specify in the contract lumber,
98 timber, and other forest products produced and manufactured in
99 this state, if wood is a component of the public work, and if



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100 such products are available and their price, fitness, and
101 quality are equal.

102 (b) This subsection does not apply:

103 1. To plywood specified for monolithic concrete forms.

104 2. If the structural or service requirements for timber for
105 a particular job cannot be supplied by native species.

106 3. If the construction is financed in whole or in part from
107 federal funds with the requirement that there be no restrictions
108 as to species or place of manufacture.

109 4. To transportation projects for which federal aid funds
110 are available.

111 Section 4. Paragraph (a) of subsection (4) of section
112 255.257, Florida Statutes, is amended to read:

113 255.257 Energy management; buildings occupied by state
114 agencies.—

115 (4) ADOPTION OF STANDARDS.—

116 (a) Each All state agency agencies shall use adopt a
117 sustainable building rating system or use a national model green
118 building code for each all new building buildings and renovation
119 renovations to an existing building buildings.

120 Section 5. Paragraph (aa) of subsection (4) of section
121 381.0065, Florida Statutes, is amended to read:

122 381.0065 Onsite sewage treatment and disposal systems;
123 regulation.—

124 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
125 construct, repair, modify, abandon, or operate an onsite sewage
126 treatment and disposal system without first obtaining a permit
127 approved by the department. The department may issue permits to
128 carry out this section, but shall not make the issuance of such



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129 permits contingent upon prior approval by the Department of
130 Environmental Protection, except that the issuance of a permit
131 for work seaward of the coastal construction control line
132 established under s. 161.053 shall be contingent upon receipt of
133 any required coastal construction control line permit from the
134 Department of Environmental Protection. A construction permit is
135 valid for 18 months from the issuance date and may be extended
136 by the department for one 90-day period under rules adopted by
137 the department. A repair permit is valid for 90 days from the
138 date of issuance. An operating permit must be obtained prior to
139 the use of any aerobic treatment unit or if the establishment
140 generates commercial waste. Buildings or establishments that use
141 an aerobic treatment unit or generate commercial waste shall be
142 inspected by the department at least annually to assure
143 compliance with the terms of the operating permit. The operating
144 permit for a commercial wastewater system is valid for 1 year
145 from the date of issuance and must be renewed annually. The
146 operating permit for an aerobic treatment unit is valid for 2
147 years from the date of issuance and must be renewed every 2
148 years. If all information pertaining to the siting, location,
149 and installation conditions or repair of an onsite sewage
150 treatment and disposal system remains the same, a construction
151 or repair permit for the onsite sewage treatment and disposal
152 system may be transferred to another person, if the transferee
153 files, within 60 days after the transfer of ownership, an
154 amended application providing all corrected information and
155 proof of ownership of the property. There is no fee associated
156 with the processing of this supplemental information. A person
157 may not contract to construct, modify, alter, repair, service,



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158 abandon, or maintain any portion of an onsite sewage treatment
159 and disposal system without being registered under part III of
160 chapter 489. A property owner who personally performs
161 construction, maintenance, or repairs to a system serving his or
162 her own owner-occupied single-family residence is exempt from
163 registration requirements for performing such construction,
164 maintenance, or repairs on that residence, but is subject to all
165 permitting requirements. A municipality or political subdivision
166 of the state may not issue a building or plumbing permit for any
167 building that requires the use of an onsite sewage treatment and
168 disposal system unless the owner or builder has received a
169 construction permit for such system from the department. A
170 building or structure may not be occupied and a municipality,
171 political subdivision, or any state or federal agency may not
172 authorize occupancy until the department approves the final
173 installation of the onsite sewage treatment and disposal system.
174 A municipality or political subdivision of the state may not
175 approve any change in occupancy or tenancy of a building that
176 uses an onsite sewage treatment and disposal system until the
177 department has reviewed the use of the system with the proposed
178 change, approved the change, and amended the operating permit.

179 (aa) An existing-system inspection or evaluation and
180 assessment, or a modification, replacement, or upgrade of an
181 onsite sewage treatment and disposal system is not required for
182 a remodeling addition or modification to a single-family home if
183 a bedroom is not added. However, a remodeling addition or
184 modification to a single-family home may not cover any part of
185 the existing system or encroach upon a required setback or the
186 unobstructed area. To determine if a setback or the unobstructed



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187 area is impacted, the local health department shall review and
188 verify a floor plan and site plan of the proposed remodeling
189 addition or modification to the home submitted by a remodeler
190 which shows the location of the system, including the distance
191 of the remodeling addition or modification to the home from the
192 onsite sewage treatment and disposal system. The local health
193 department may visit the site or otherwise determine the best
194 means of verifying the information submitted. A verification of
195 the location of a system is not an inspection or evaluation and
196 assessment of the system. The review and verification must be
197 completed within 7 business days after receipt by the local
198 health department of a floor plan and site plan. If the review
199 and verification is not completed within such time, the
200 remodeling addition or modification to the single-family home,
201 for the purposes of this paragraph, is approved.

202 Section 6. Effective October 1, 2014, subsection (23) is
203 added to section 489.103, Florida Statutes, to read:

204 489.103 Exemptions.— This part does not apply to:

205 (23) An owner or operator of a public swimming pool or spa
206 permitted under s. 514.031, an entity under common ownership or
207 control with the owner or operator, or a direct employee of the
208 owner, operator, or related entity, who undertakes to maintain
209 the swimming pool or spa for the purpose of water treatment.

210 Section 7. Effective October 1, 2014, subsection (3) of
211 section 489.105, Florida Statutes, is amended to read:

212 489.105 Definitions.— As used in this part:

213 (3) "Contractor" means the person who is qualified for, and
214 is only responsible for, the project contracted for and means,
215 except as exempted in this part, the person who, for



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216 compensation, undertakes to, submits a bid to, or does himself
217 or herself or by others construct, repair, alter, remodel, add
218 to, demolish, maintain for purposes of water treatment, subtract
219 from, or improve any building or structure, including related
220 improvements to real estate, for others or for resale to others;
221 and whose job scope is substantially similar to the job scope
222 described in one of the paragraphs of this subsection. For the
223 purposes of regulation under this part, the term "demolish"
224 applies only to demolition of steel tanks more than 50 feet in
225 height; towers more than 50 feet in height; other structures
226 more than 50 feet in height; and, effective July 1, 2013, the
227 term applies to ~~and all~~ buildings or residences more than three
228 stories tall. For purposes of regulation under this part, the
229 phrase "maintain for purposes of water treatment" applies only
230 to cleaning, maintenance, and water treatment of swimming pools
231 and spas. Contractors are subdivided into two divisions,
232 Division I, consisting of those contractors defined in
233 paragraphs (a)-(c), and Division II, consisting of those
234 contractors defined in paragraphs (d)-(q):

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

240 (b) "Building contractor" means a contractor whose services
241 are limited to construction of commercial buildings and single-
242 dwelling or multiple-dwelling residential buildings, which do
243 not exceed three stories in height, and accessory use structures
244 in connection therewith or a contractor whose services are



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245 limited to remodeling, repair, or improvement of any size
246 building if the services do not affect the structural members of
247 the building.

248 (c) "Residential contractor" means a contractor whose
249 services are limited to construction, remodeling, repair, or
250 improvement of one-family, two-family, or three-family
251 residences not exceeding two habitable stories above no more
252 than one uninhabitable story and accessory use structures in
253 connection therewith.

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

267 (e) "Roofing contractor" means a contractor whose services
268 are unlimited in the roofing trade and who has the experience,
269 knowledge, and skill to install, maintain, repair, alter,
270 extend, or design, if not prohibited by law, and use materials
271 and items used in the installation, maintenance, extension, and
272 alteration of all kinds of roofing, waterproofing, and coating,
273 except when coating is not represented to protect, repair,



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274 waterproof, stop leaks, or extend the life of the roof. The
275 scope of work of a roofing contractor also includes skylights
276 and any related work, required roof-deck attachments, and any
277 repair or replacement of wood roof sheathing or fascia as needed
278 during roof repair or replacement and any related work.

279 (f) "Class A air-conditioning contractor" means a
280 contractor whose services are unlimited in the execution of
281 contracts requiring the experience, knowledge, and skill to
282 install, maintain, repair, fabricate, alter, extend, or design,
283 if not prohibited by law, central air-conditioning,
284 refrigeration, heating, and ventilating systems, including duct
285 work in connection with a complete system if such duct work is
286 performed by the contractor as necessary to complete an air-
287 distribution system, boiler and unfired pressure vessel systems,
288 and all appurtenances, apparatus, or equipment used in
289 connection therewith, and any duct cleaning and equipment
290 sanitizing that requires at least a partial disassembling of the
291 system; to install, maintain, repair, fabricate, alter, extend,
292 or design, if not prohibited by law, piping, insulation of
293 pipes, vessels and ducts, pressure and process piping, and
294 pneumatic control piping; to replace, disconnect, or reconnect
295 power wiring on the load side of the dedicated existing
296 electrical disconnect switch; to install, disconnect, and
297 reconnect low voltage heating, ventilating, and air-conditioning
298 control wiring; and to install a condensate drain from an air-
299 conditioning unit to an existing safe waste or other approved
300 disposal other than a direct connection to a sanitary system.
301 The scope of work for such contractor also includes any
302 excavation work incidental thereto, but does not include any



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303 work such as liquefied petroleum or natural gas fuel lines
304 within buildings, except for disconnecting or reconnecting
305 changeouts of liquefied petroleum or natural gas appliances
306 within buildings; potable water lines or connections thereto;
307 sanitary sewer lines; swimming pool piping and filters; or
308 electrical power wiring. A Class A air-conditioning contractor
309 may test and evaluate central air-conditioning, refrigeration,
310 heating, and ventilating systems, including duct work; however,
311 a mandatory licensing requirement is not established for the
312 performance of these specific services.

313 (g) "Class B air-conditioning contractor" means a
314 contractor whose services are limited to 25 tons of cooling and
315 500,000 Btu of heating in any one system in the execution of
316 contracts requiring the experience, knowledge, and skill to
317 install, maintain, repair, fabricate, alter, extend, or design,
318 if not prohibited by law, central air-conditioning,
319 refrigeration, heating, and ventilating systems, including duct
320 work in connection with a complete system only to the extent
321 such duct work is performed by the contractor as necessary to
322 complete an air-distribution system being installed under this
323 classification, and any duct cleaning and equipment sanitizing
324 that requires at least a partial disassembling of the system; to
325 install, maintain, repair, fabricate, alter, extend, or design,
326 if not prohibited by law, piping and insulation of pipes,
327 vessels, and ducts; to replace, disconnect, or reconnect power
328 wiring on the load side of the dedicated existing electrical
329 disconnect switch; to install, disconnect, and reconnect low
330 voltage heating, ventilating, and air-conditioning control
331 wiring; and to install a condensate drain from an air-



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332 conditioning unit to an existing safe waste or other approved
333 disposal other than a direct connection to a sanitary system.
334 The scope of work for such contractor also includes any
335 excavation work incidental thereto, but does not include any
336 work such as liquefied petroleum or natural gas fuel lines
337 within buildings, except for disconnecting or reconnecting
338 changeouts of liquefied petroleum or natural gas appliances
339 within buildings; potable water lines or connections thereto;
340 sanitary sewer lines; swimming pool piping and filters; or
341 electrical power wiring. A Class B air-conditioning contractor
342 may test and evaluate central air-conditioning, refrigeration,
343 heating, and ventilating systems, including duct work; however,
344 a mandatory licensing requirement is not established for the
345 performance of these specific services.

346 (h) "Class C air-conditioning contractor" means a
347 contractor whose business is limited to the servicing of air-
348 conditioning, heating, or refrigeration systems, including any
349 duct cleaning and equipment sanitizing that requires at least a
350 partial disassembling of the system, and whose certification or
351 registration, issued pursuant to this part, was valid on October
352 1, 1988. Only a person who was registered or certified as a
353 Class C air-conditioning contractor as of October 1, 1988, shall
354 be so registered or certified after October 1, 1988. However,
355 the board shall continue to license and regulate those Class C
356 air-conditioning contractors who held Class C licenses before
357 October 1, 1988.

358 (i) "Mechanical contractor" means a contractor whose
359 services are unlimited in the execution of contracts requiring
360 the experience, knowledge, and skill to install, maintain,



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361 repair, fabricate, alter, extend, or design, if not prohibited
362 by law, central air-conditioning, refrigeration, heating, and
363 ventilating systems, including duct work in connection with a
364 complete system if such duct work is performed by the contractor
365 as necessary to complete an air-distribution system, boiler and
366 unfired pressure vessel systems, lift station equipment and
367 piping, and all appurtenances, apparatus, or equipment used in
368 connection therewith, and any duct cleaning and equipment
369 sanitizing that requires at least a partial disassembling of the
370 system; to install, maintain, repair, fabricate, alter, extend,
371 or design, if not prohibited by law, piping, insulation of
372 pipes, vessels and ducts, pressure and process piping, pneumatic
373 control piping, gasoline tanks and pump installations and piping
374 for same, standpipes, air piping, vacuum line piping, oxygen
375 lines, nitrous oxide piping, ink and chemical lines, fuel
376 transmission lines, liquefied petroleum gas lines within
377 buildings, and natural gas fuel lines within buildings; to
378 replace, disconnect, or reconnect power wiring on the load side
379 of the dedicated existing electrical disconnect switch; to
380 install, disconnect, and reconnect low voltage heating,
381 ventilating, and air-conditioning control wiring; and to install
382 a condensate drain from an air-conditioning unit to an existing
383 safe waste or other approved disposal other than a direct
384 connection to a sanitary system. The scope of work for such
385 contractor also includes any excavation work incidental thereto,
386 but does not include any work such as potable water lines or
387 connections thereto, sanitary sewer lines, swimming pool piping
388 and filters, or electrical power wiring. A mechanical contractor
389 may test and evaluate central air-conditioning, refrigeration,



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390 heating, and ventilating systems, including duct work; however,
391 a mandatory licensing requirement is not established for the
392 performance of these specific services.

393 (j) "Commercial pool/spa contractor" means a contractor
394 whose scope of work involves, but is not limited to, the
395 construction, repair, water treatment, maintenance, and
396 servicing of any swimming pool, or hot tub or spa, whether
397 public, private, or otherwise, regardless of use. The scope of
398 work includes the installation, repair, or replacement of
399 existing equipment, ~~any cleaning or equipment sanitizing that~~
400 ~~requires at least a partial disassembling, excluding filter~~
401 ~~changes, and~~ the installation of new pool/spa equipment,
402 interior finishes, the installation of package pool heaters, the
403 installation of all perimeter piping and filter piping, and the
404 construction of equipment rooms or housing for pool/spa
405 equipment, and also includes the scope of work of a swimming
406 pool/spa servicing contractor. The scope of such work does not
407 include direct connections to a sanitary sewer system or to
408 potable water lines. ~~The installation, construction,~~
409 ~~modification, or replacement of equipment permanently attached~~
410 ~~to and associated with the pool or spa for the purpose of water~~
411 ~~treatment or cleaning of the pool or spa requires licensure;~~
412 ~~however, the usage of such equipment for the purposes of water~~
413 ~~treatment or cleaning does not require licensure unless the~~
414 ~~usage involves construction, modification, or replacement of~~
415 ~~such equipment. Water treatment that does not require such~~
416 ~~equipment does not require a license. In addition, a license is~~
417 ~~not required for the cleaning of the pool or spa in a way that~~
418 ~~does not affect the structural integrity of the pool or spa or~~



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419 ~~its associated equipment.~~

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

446 (l) "Swimming pool/spa servicing contractor" means a
447 contractor whose scope of work involves, but is not limited to,



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448 the repair, water treatment, maintenance, and servicing of a
449 swimming pool, or hot tub or spa, whether public or private, or
450 otherwise, regardless of use. The scope of work includes the
451 repair or replacement of existing equipment, any sanitation,
452 chemical balancing, routine maintenance or cleaning, ~~cleaning or~~
453 ~~equipment sanitizing that requires at least a partial~~
454 ~~disassembling, excluding filter changes,~~ and the installation of
455 new pool/spa equipment, interior refinishing, the reinstallation
456 or addition of pool heaters, the repair or replacement of all
457 perimeter piping and filter piping, the repair of equipment
458 rooms or housing for pool/spa equipment, and the substantial or
459 complete draining of a swimming pool, or hot tub or spa, for the
460 purpose of repair, ~~or~~ renovation, or water treatment. The scope
461 of such work does not include direct connections to a sanitary
462 sewer system or to potable water lines. ~~The installation,~~
463 ~~construction, modification, substantial or complete disassembly,~~
464 ~~or replacement of equipment permanently attached to and~~
465 ~~associated with the pool or spa for the purpose of water~~
466 ~~treatment or cleaning of the pool or spa requires licensure;~~
467 ~~however, the usage of such equipment for the purposes of water~~
468 ~~treatment or cleaning does not require licensure unless the~~
469 ~~usage involves construction, modification, substantial or~~
470 ~~complete disassembly, or replacement of such equipment. Water~~
471 ~~treatment that does not require such equipment does not require~~
472 ~~a license. In addition, a license is not required for the~~
473 ~~cleaning of the pool or spa in a way that does not affect the~~
474 ~~structural integrity of the pool or spa or its associated~~
475 ~~equipment.~~

476 (m) "Plumbing contractor" means a contractor whose services



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477 are unlimited in the plumbing trade and includes contracting
478 business consisting of the execution of contracts requiring the
479 experience, financial means, knowledge, and skill to install,
480 maintain, repair, alter, extend, or, if not prohibited by law,
481 design plumbing. A plumbing contractor may install, maintain,
482 repair, alter, extend, or, if not prohibited by law, design the
483 following without obtaining an additional local regulatory
484 license, certificate, or registration: sanitary drainage or
485 storm drainage facilities, water and sewer plants and
486 substations, venting systems, public or private water supply
487 systems, septic tanks, drainage and supply wells, swimming pool
488 piping, irrigation systems, and solar heating water systems and
489 all appurtenances, apparatus, or equipment used in connection
490 therewith, including boilers and pressure process piping and
491 including the installation of water, natural gas, liquefied
492 petroleum gas and related venting, and storm and sanitary sewer
493 lines. The scope of work of the plumbing contractor also
494 includes the design, if not prohibited by law, and installation,
495 maintenance, repair, alteration, or extension of air-piping,
496 vacuum line piping, oxygen line piping, nitrous oxide piping,
497 and all related medical gas systems; fire line standpipes and
498 fire sprinklers if authorized by law; ink and chemical lines;
499 fuel oil and gasoline piping and tank and pump installation,
500 except bulk storage plants; and pneumatic control piping
501 systems, all in a manner that complies with all plans,
502 specifications, codes, laws, and regulations applicable. The
503 scope of work of the plumbing contractor applies to private
504 property and public property, including any excavation work
505 incidental thereto, and includes the work of the specialty



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506 plumbing contractor. Such contractor shall subcontract, with a
507 qualified contractor in the field concerned, all other work
508 incidental to the work but which is specified as being the work
509 of a trade other than that of a plumbing contractor. This
510 definition does not limit the scope of work of any specialty
511 contractor certified pursuant to s. 489.113(6), and does not
512 require certification or registration under this part of any
513 authorized employee of a public natural gas utility or of a
514 private natural gas utility regulated by the Public Service
515 Commission when disconnecting and reconnecting water lines in
516 the servicing or replacement of an existing water heater. A
517 plumbing contractor may perform drain cleaning and clearing and
518 install or repair rainwater catchment systems; however, a
519 mandatory licensing requirement is not established for the
520 performance of these specific services.

521 (n) "Underground utility and excavation contractor" means a
522 contractor whose services are limited to the construction,
523 installation, and repair, on public or private property, whether
524 accomplished through open excavations or through other means,
525 including, but not limited to, directional drilling, auger
526 boring, jacking and boring, trenchless technologies, wet and dry
527 taps, grouting, and slip lining, of main sanitary sewer
528 collection systems, main water distribution systems, storm sewer
529 collection systems, and the continuation of utility lines from
530 the main systems to a point of termination up to and including
531 the meter location for the individual occupancy, sewer
532 collection systems at property line on residential or single-
533 occupancy commercial properties, or on multioccupancy properties
534 at manhole or wye lateral extended to an invert elevation as



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535 engineered to accommodate future building sewers, water
536 distribution systems, or storm sewer collection systems at storm
537 sewer structures. However, an underground utility and excavation
538 contractor may install empty underground conduits in rights-of-
539 way, easements, platted rights-of-way in new site development,
540 and sleeves for parking lot crossings no smaller than 2 inches
541 in diameter if each conduit system installed is designed by a
542 licensed professional engineer or an authorized employee of a
543 municipality, county, or public utility and the installation of
544 such conduit does not include installation of any conductor
545 wiring or connection to an energized electrical system. An
546 underground utility and excavation contractor may not install
547 piping that is an integral part of a fire protection system as
548 defined in s. 633.021 beginning at the point where the piping is
549 used exclusively for such system.

550 (o) "Solar contractor" means a contractor whose services
551 consist of the installation, alteration, repair, maintenance,
552 relocation, or replacement of solar panels for potable solar
553 water heating systems, swimming pool solar heating systems, and
554 photovoltaic systems and any appurtenances, apparatus, or
555 equipment used in connection therewith, whether public, private,
556 or otherwise, regardless of use. A contractor, certified or
557 registered pursuant to this chapter, is not required to become a
558 certified or registered solar contractor or to contract with a
559 solar contractor in order to provide services enumerated in this
560 paragraph that are within the scope of the services such
561 contractors may render under this part.

562 (p) "Pollutant storage systems contractor" means a
563 contractor whose services are limited to, and who has the



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564 experience, knowledge, and skill to install, maintain, repair,
565 alter, extend, or design, if not prohibited by law, and use
566 materials and items used in the installation, maintenance,
567 extension, and alteration of, pollutant storage tanks. Any
568 person installing a pollutant storage tank shall perform such
569 installation in accordance with the standards adopted pursuant
570 to s. 376.303.

571 (q) "Specialty contractor" means a contractor whose scope
572 of work and responsibility is limited to a particular phase of
573 construction established in a category adopted by board rule and
574 whose scope is limited to a subset of the activities described
575 in one of the paragraphs of this subsection.

576 Section 8. Effective October 1, 2014, subsection (2) of
577 section 489.111, Florida Statutes, is amended to read:

578 489.111 Licensure by examination.—

579 (2) A person shall be eligible for licensure by examination
580 if the person:

581 (a) Is 18 years of age;

582 (b) Is of good moral character; and

583 (c) Meets eligibility requirements according to one of the
584 following criteria:

585 1. Has received a baccalaureate degree from an accredited
586 4-year college in the appropriate field of engineering,
587 architecture, or building construction and has 1 year of proven
588 experience in the category in which the person seeks to qualify.
589 For the purpose of this part, a minimum of 2,000 person-hours
590 shall be used in determining full-time equivalency.

591 2. Has a total of at least 4 years of active experience as
592 a worker who has learned the trade by serving an apprenticeship



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593 as a skilled worker who is able to command the rate of a
594 mechanic in the particular trade or as a foreman who is in
595 charge of a group of workers and usually is responsible to a
596 superintendent or a contractor or his or her equivalent,
597 provided, however, that at least 1 year of active experience
598 shall be as a foreman.

599 3. Has a combination of not less than 1 year of experience
600 as a foreman and not less than 3 years of credits for any
601 accredited college-level courses; has a combination of not less
602 than 1 year of experience as a skilled worker, 1 year of
603 experience as a foreman, and not less than 2 years of credits
604 for any accredited college-level courses; or has a combination
605 of not less than 2 years of experience as a skilled worker, 1
606 year of experience as a foreman, and not less than 1 year of
607 credits for any accredited college-level courses. All junior
608 college or community college-level courses shall be considered
609 accredited college-level courses.

610 4.a. An active certified residential contractor is eligible
611 to take the building contractors' examination if he or she
612 possesses a minimum of 3 years of proven experience in the
613 classification in which he or she is certified.

614 b. An active certified residential contractor is eligible
615 to take the general contractors' examination if he or she
616 possesses a minimum of 4 years of proven experience in the
617 classification in which he or she is certified.

618 c. An active certified building contractor is eligible to
619 take the general contractors' examination if he or she possesses
620 a minimum of 4 years of proven experience in the classification
621 in which he or she is certified.



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622 5.a. An active certified air-conditioning Class C
623 contractor is eligible to take the air-conditioning Class B
624 contractors' examination if he or she possesses a minimum of 3
625 years of proven experience in the classification in which he or
626 she is certified.

627 b. An active certified air-conditioning Class C contractor
628 is eligible to take the air-conditioning Class A contractors'
629 examination if he or she possesses a minimum of 4 years of
630 proven experience in the classification in which he or she is
631 certified.

632 c. An active certified air-conditioning Class B contractor
633 is eligible to take the air-conditioning Class A contractors'
634 examination if he or she possesses a minimum of 1 year of proven
635 experience in the classification in which he or she is
636 certified.

637 6.a. An active certified swimming pool servicing contractor
638 is eligible to take the residential swimming pool contractors'
639 examination if he or she possesses a minimum of 3 years of
640 proven experience in the classification in which he or she is
641 certified.

642 b. An active certified swimming pool servicing contractor
643 is eligible to take the swimming pool commercial contractors'
644 examination if he or she possesses a minimum of 4 years of
645 proven experience in the classification in which he or she is
646 certified.

647 c. An active certified residential swimming pool contractor
648 is eligible to take the commercial swimming pool contractors'
649 examination if he or she possesses a minimum of 1 year of proven
650 experience in the classification in which he or she is



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651 certified.

652 d. An applicant is eligible to take the swimming pool/spa
653 servicing contractors' examination if he or she has
654 satisfactorily completed 60 hours of instruction in courses and
655 20 hours of field hands-on instruction related to the scope of
656 work covered by that license and approved by the Construction
657 Industry Licensing Board by rule ~~and has at least 1 year of~~
658 ~~proven experience related to the scope of work of such a~~
659 ~~contractor.~~

660 Section 9. The amendments to s. 489.113(2), Florida
661 Statutes, by section 11 of chapter 2012-13, Laws of Florida, are
662 remedial in nature and intended to clarify existing law. This
663 section applies retroactively to any action initiated or pending
664 on or after March 23, 2012.

665 Section 10. Paragraphs (c) and (f) of subsection (5) and
666 subsection (6) of section 489.127, Florida Statutes, are amended
667 to read:

668 489.127 Prohibitions; penalties.-

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

676 (c) The local governing body of the county or municipality
677 ~~may is authorized to~~ enforce codes and ordinances against
678 unlicensed contractors under the provisions of this subsection
679 and may enact an ordinance establishing procedures for



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680 implementing this subsection, including a schedule of penalties
681 to be assessed by the code enforcement officer. The maximum
682 civil penalty which may be levied may shall not exceed \$2,000
683 ~~\$500~~. Moneys collected pursuant to this subsection shall be
684 retained locally, as provided for by local ordinance, and may be
685 set aside in a specific fund to support future enforcement
686 activities against unlicensed contractors.

687 (f) If the enforcement or licensing board or designated
688 special magistrate finds that a violation exists, the
689 enforcement or licensing board or designated special magistrate
690 may order the violator to pay a civil penalty of not less than
691 the amount set forth on the citation but not more than \$1,500
692 ~~\$1,000~~ per day for each violation. In determining the amount of
693 the penalty, the enforcement or licensing board or designated
694 special magistrate shall consider the following factors:

- 695 1. The gravity of the violation.
696 2. Any actions taken by the violator to correct the
697 violation.
698 3. Any previous violations committed by the violator.

699 (6) Local building departments may collect outstanding
700 fines against registered or certified contractors issued by the
701 Construction Industry Licensing Board and may retain 75 ~~25~~
702 percent of the fines they are able to collect, provided that
703 they transmit 25 ~~75~~ percent of the fines they are able to
704 collect to the department according to a procedure to be
705 determined by the department.

706 Section 11. Paragraph (a) of subsection (7) of section
707 489.131, Florida Statutes, is amended to read:

708 489.131 Applicability.-



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709 (7) (a) It is the policy of the state that the purpose of
710 regulation is to protect the public by attaining compliance with
711 the policies established in law. Fines and other penalties are
712 provided in order to ensure compliance; ~~however, the collection~~
713 ~~of fines and the imposition of penalties are intended to be~~
714 ~~secondary to the primary goal of attaining compliance with state~~
715 laws and local jurisdiction ordinances. ~~It is the intent of the~~
716 ~~Legislature that a local jurisdiction agency charged with~~
717 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
718 ~~as its first response to a minor violation of a regulatory law~~
719 ~~in any instance in which it is reasonable to assume that the~~
720 ~~violator was unaware of such a law or unclear as to how to~~
721 ~~comply with it. A violation of a regulatory law is a "minor~~
722 ~~violation" if it does not result in economic or physical harm to~~
723 ~~a person or adversely affect the public health, safety, or~~
724 ~~welfare or create a significant threat of such harm. A "notice~~
725 ~~of noncompliance" is a notification by the local jurisdiction~~
726 ~~agency charged with enforcing the ordinance, which is issued to~~
727 ~~the licensee that is subject to the ordinance. A notice of~~
728 ~~noncompliance should not be accompanied with a fine or other~~
729 ~~disciplinary penalty. It should identify the specific ordinance~~
730 ~~that is being violated, provide information on how to comply~~
731 ~~with the ordinance, and specify a reasonable time for the~~
732 ~~violator to comply with the ordinance. Failure of a licensee to~~
733 ~~take action correcting the violation within a set period of time~~
734 ~~would then result in the institution of further disciplinary~~
735 ~~proceedings.~~

736 Section 12. Section 489.514, Florida Statutes, is amended
737 to read:



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738 489.514 Certification for registered contractors;
739 grandfathering provisions.—

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

743 (a) To an applying registered electrical contractor, a
744 certificate as an electrical contractor, as defined in s.
745 489.505(12); ~~or~~

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

749 (c) To an applying registered electrical specialty
750 contractor, a certificate in the matching electrical specialty
751 contractor category, as defined in s. 489.505(19).

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

755 (a) Currently holds a valid registered local license in the
756 category of electrical contractor, alarm system contractor, or
757 electrical specialty contractor.

758 (b) Has, for that category, passed a written, proctored
759 examination that the board finds to be substantially similar to
760 the examination required to be licensed as a certified
761 contractor under this part. For purposes of this subsection, a
762 written, proctored examination such as that produced by the
763 National Assessment Institute, Block and Associates, NAI/Block,
764 Experior Assessments, Professional Testing, Inc., or Assessment
765 Systems, Inc., shall be considered to be substantially similar
766 to the examination required to be licensed as a certified



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767 contractor. The board may not impose or make any requirements
768 regarding the nature or content of these cited examinations.

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

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

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

782 (3) An applicant must make application by November 1, 2015
783 ~~2004~~, to be licensed pursuant to this section.

784 Section 13. Paragraph (c) of subsection (4) of section
785 489.531, Florida Statutes, is amended to read:

786 489.531 Prohibitions; penalties.—

787 (4) Each county or municipality may, at its option,
788 designate one or more of its code enforcement officers, as
789 defined in chapter 162, to enforce, as set out in this
790 subsection, the provisions of subsection (1) against persons who
791 engage in activity for which county or municipal certification
792 is required.

793 (c) The local governing body of the county or municipality
794 may ~~is authorized to~~ enforce codes and ordinances against
795 unlicensed contractors under the provisions of this section and



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796 may enact an ordinance establishing procedures for implementing
797 this section, including a schedule of penalties to be assessed
798 by the code enforcement officers. The maximum civil penalty
799 which may be levied may shall not exceed \$2,000 ~~\$500~~. Moneys
800 collected pursuant to this section shall be retained locally as
801 provided for by local ordinance and may be set aside in a
802 specific fund to support future enforcement activities against
803 unlicensed contractors.

804 Section 14. Present subsections (6) through (11) of section
805 553.71, Florida Statutes, are redesignated as subsections (7)
806 through (12), respectively, and a new subsection (6) is added to
807 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 15. Subsection (17) of section 553.73, Florida
813 Statutes, is amended to read:

814 553.73 Florida Building Code.—

815 (17) A provision ~~The provisions of section R313 of the most~~
816 ~~current version~~ of the International Residential Code relating
817 to mandated fire sprinklers may not be incorporated into the
818 Florida Building Code as adopted by the Florida Building
819 Commission and may not be adopted as a local amendment to the
820 Florida Building Code. This subsection does not prohibit the
821 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



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825 that has a lawfully adopted ordinance relating to fire
826 sprinklers which has been in effect since January 1, 2010.

827 Section 16. 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 certified
845 to do business in this state and actively engaged in the
846 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



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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 this
862 state and actively engaged in the profession. The Associated
863 Builders and Contractors of Florida, the Florida Associated
864 General Contractors Council, and the Union Contractors
865 Association are encouraged to recommend a list of candidates for
866 consideration.

867 (g) One plumbing contractor licensed to do business in this
868 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



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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 or
903 a charter county. The Florida League of Cities and the Florida
904 Association of Counties are encouraged to recommend a list of
905 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.



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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 education.

921 (u) One member who is a swimming pool contractor licensed
922 to do business in this state and actively engaged in the
923 profession. The Florida Swimming Pool Association and the United
924 Pool and Spa Association are encouraged to recommend a list of
925 candidates for consideration.

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

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

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

939
940 Any person serving on the commission under paragraph (c) or



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

944 Section 17. Subsection (18) is added to section 553.79,
945 Florida Statutes, to read:

946 553.79 Permits; applications; issuance; inspections.-

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

952 Section 18. Paragraph (a) of subsection (5) of section
953 553.842, Florida Statutes, is amended to read:

954 553.842 Product evaluation and approval.-

955 (5) Statewide approval of products, methods, or systems of
956 construction may be achieved by one of the following methods.
957 One of these methods must be used by the commission to approve
958 the following categories of products: panel walls, exterior
959 doors, roofing, skylights, windows, shutters, impact protective
960 systems, and structural components as established by the
961 commission by rule. A product may not be advertised, sold,
962 offered, provided, distributed, or marketed as hurricane,
963 windstorm, or impact protection from wind-borne debris from a
964 hurricane or windstorm unless it is approved pursuant to this
965 section or s. 553.8425. Any person who advertises, sells,
966 offers, provides, distributes, or markets a product as
967 hurricane, windstorm, or impact protection from wind-borne
968 debris without such approval is subject to the Florida Deceptive
969 and Unfair Trade Practices Act under part II of chapter 501



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970 brought by the enforcing authority as defined in s. 501.203.

971 (a) Products for which the code establishes standardized
972 testing or comparative or rational analysis methods shall be
973 approved by submittal and validation of one of the following
974 reports or listings indicating that the product or method or
975 system of construction was in compliance with the Florida
976 Building Code and that the product or method or system of
977 construction is, for the purpose intended, at least equivalent
978 to that required by the Florida Building Code:

- 979 1. A certification mark or listing of an approved
980 certification agency, which may be used only for products for
981 which the code designates standardized testing;
- 982 2. A test report from an approved testing laboratory;
- 983 3. A product evaluation report based upon testing or
984 comparative or rational analysis, or a combination thereof, from
985 an approved product evaluation entity; or
- 986 4. A product evaluation report based upon testing or
987 comparative or rational analysis, or a combination thereof,
988 developed and signed and sealed by a professional engineer or
989 architect, licensed in this state.

990

991 A product evaluation report or a certification mark or
992 listing of an approved certification agency which demonstrates
993 that the product or method or system of construction complies
994 with the Florida Building Code for the purpose intended is
995 equivalent to a test report and test procedure referenced in the
996 Florida Building Code. An application for state approval of a
997 product under subparagraph 1. or 3. must be approved by the
998 department after the commission staff or a designee verifies



999 that the application and related documentation are complete.
1000 This verification must be completed within 10 business days
1001 after receipt of the application. Upon approval by the
1002 department, the product shall be immediately added to the list
1003 of state-approved products maintained under subsection (13).
1004 Approvals by the department shall be reviewed and ratified by
1005 the commission's program oversight committee except for a
1006 showing of good cause that a review by the full commission is
1007 necessary. The commission shall adopt rules providing means to
1008 cure deficiencies identified within submittals for products
1009 approved under this paragraph.

1010 Section 19. Section 553.901, Florida Statutes, is amended
1011 to read:

1012 553.901 Purpose of thermal efficiency code.—The Department
1013 of Business and Professional Regulation shall prepare a thermal
1014 efficiency code to provide for a statewide uniform standard for
1015 energy efficiency in the thermal design and operation of all
1016 buildings statewide, consistent with energy conservation goals,
1017 and to best provide for public safety, health, and general
1018 welfare. The Florida Building Commission shall adopt the Florida
1019 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~
1020 ~~for Building Construction within the Florida Building Code~~, and
1021 shall modify, revise, update, and maintain the code to implement
1022 the provisions of this thermal efficiency code and amendments
1023 thereto, in accordance with the procedures of chapter 120. The
1024 department shall, at least triennially, determine the most cost-
1025 effective energy-saving equipment and techniques available and
1026 report its determinations to the commission, which shall update
1027 the code to incorporate such equipment and techniques. The



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1028 proposed changes shall be made available for public review and
1029 comment no later than 6 months before ~~prior to~~ code
1030 implementation. The term "cost-effective," as used in ~~for the~~
1031 ~~purposes of~~ this part, means ~~shall be construed to mean~~ cost-
1032 effective to the consumer.

1033 Section 20. Section 553.902, Florida Statutes, is reordered
1034 and amended to read:

1035 553.902 Definitions. As used in ~~For the purposes of~~ this
1036 part, the term:

1037 (2)~~(1)~~ "Exempted building" means:

1038 (a) A ~~Any~~ building or portion thereof whose peak design
1039 rate of energy usage for all purposes is less than 1 watt (3.4
1040 Btu per hour) per square foot of floor area for all purposes.

1041 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled
1042 by a mechanical system designed to control or modify the indoor
1043 temperature and powered by electricity or fossil fuels.

1044 (c) A ~~Any~~ building for which federal mandatory standards
1045 preempt state energy codes.

1046 (d) A ~~Any~~ historical building as described in s.
1047 267.021(3).

1048
1049 The Florida Building Commission may recommend to the
1050 Legislature additional types of buildings which should be
1051 exempted from compliance with the Florida Building Code-Energy
1052 Conservation ~~Florida Energy Efficiency Code for Building~~
1053 ~~Construction~~.

1054 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and
1055 air-conditioning.

1056 (6)~~(3)~~ "Renovated building" means a residential or



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1057 nonresidential building undergoing alteration that varies or
1058 changes insulation, HVAC systems, water heating systems, or
1059 exterior envelope conditions, if provided the estimated cost of
1060 renovation exceeds 30 percent of the assessed value of the
1061 structure.

1062 (5)~~(4)~~ "Local enforcement agency" means the agency of local
1063 government which has the authority to make inspections of
1064 buildings and to enforce the Florida Building Code. The term ~~It~~
1065 includes any agency within the definition of s. 553.71(5).

1066 (3)~~(5)~~ "Exterior envelope physical characteristics" means
1067 the physical nature of those elements of a building which
1068 enclose conditioned spaces through which energy may be
1069 transferred to or from the exterior.

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 Section 21. Section 553.903, Florida Statutes, is amended
1075 to read:

1076 553.903 Applicability.—This part applies ~~shall apply~~ to all
1077 new and renovated buildings in the state, except exempted
1078 buildings, for which building permits are obtained after March
1079 15, 1979, and to the installation or replacement of building
1080 systems and components with new products for which thermal
1081 efficiency standards are set by the Florida Building Code-Energy
1082 Conservation ~~Florida Energy Efficiency Code for Building~~
1083 ~~Construction~~. The provisions of this part shall constitute a
1084 statewide uniform code.

1085 Section 22. Section 553.904, Florida Statutes, is amended



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1086 to read:

1087 553.904 Thermal efficiency standards for new nonresidential
1088 buildings.—Thermal designs and operations for new nonresidential
1089 buildings for which building permits are obtained after March
1090 15, 1979, must ~~shall~~ at a minimum take into account exterior
1091 envelope physical characteristics, including thermal mass; HVAC,
1092 service water heating, energy distribution, lighting, energy
1093 managing, and auxiliary systems design and selection; and HVAC,
1094 service water heating, energy distribution, lighting, energy
1095 managing, and auxiliary equipment performance, and are ~~shall~~ not
1096 ~~be~~ required to meet standards more stringent than the provisions
1097 of the Florida Building Code-Energy Conservation ~~Florida Energy~~
1098 ~~Efficiency Code for Building Construction~~.

1099 Section 23. Section 553.905, Florida Statutes, is amended
1100 to read:

1101 553.905 Thermal efficiency standards for new residential
1102 buildings.—Thermal designs and operations for new residential
1103 buildings for which building permits are obtained after March
1104 15, 1979, must ~~shall~~ at a minimum take into account exterior
1105 envelope physical characteristics, HVAC system selection and
1106 configuration, HVAC equipment performance, and service water
1107 heating design and equipment selection and are ~~shall~~ not ~~be~~
1108 required to meet standards more stringent than the provisions of
1109 the Florida Building Code-Energy Conservation ~~Florida Energy~~
1110 ~~Efficiency Code for Building Construction~~. HVAC equipment
1111 mounted in an attic or a garage is ~~shall~~ not ~~be~~ required to have
1112 supplemental insulation in addition to that installed by the
1113 manufacturer. All new residential buildings, except those herein
1114 exempted, must ~~shall~~ have insulation in ceilings rated at R-19



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1115 or more, space permitting. Thermal efficiency standards do not
1116 apply to a building of less than 1,000 square feet which is not
1117 primarily used as a principal residence and which is constructed
1118 and owned by a natural person for hunting or similar
1119 recreational purposes; however, ~~no~~ such person may not build
1120 more than one exempt building in any 12-month period.

1121 Section 24. Section 553.906, Florida Statutes, is amended
1122 to read:

1123 553.906 Thermal efficiency standards for renovated
1124 buildings.—Thermal designs and operations for renovated
1125 buildings for which building permits are obtained after March
1126 15, 1979, must ~~shall~~ take into account insulation; windows;
1127 infiltration; and HVAC, service water heating, energy
1128 distribution, lighting, energy managing, and auxiliary systems
1129 design and equipment selection and performance. Such buildings
1130 are ~~shall~~ not ~~be~~ required to meet standards more stringent than
1131 the provisions of the Florida Building Code-Energy Conservation
1132 ~~Florida Energy Efficiency Code for Building Construction~~. These
1133 standards apply only to those portions of the structure which
1134 are actually renovated.

1135 Section 25. Section 553.912, Florida Statutes, is amended
1136 to read:

1137 553.912 Air conditioners.—All air conditioners that are
1138 sold or installed in the state must ~~shall~~ meet the minimum
1139 efficiency ratings of the Florida Building Code-Energy
1140 Conservation ~~Energy Efficiency Code for Building Construction~~.
1141 These efficiency ratings must ~~shall~~ be minimums and may be
1142 updated in the Florida Building Code-Energy Conservation ~~Florida~~
1143 ~~Energy Efficiency Code for Building Construction~~ by the



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1144 department in accordance with s. 553.901, following its
1145 determination that more cost-effective energy-saving equipment
1146 and techniques are available. It is the intent of the
1147 Legislature that all replacement air-conditioning systems in
1148 residential applications be installed using energy-saving,
1149 quality installation procedures, including, but not limited to,
1150 equipment sizing analysis and duct inspection. Notwithstanding
1151 this section, existing heating and cooling equipment in
1152 residential applications need not meet the minimum equipment
1153 efficiencies, including system sizing and duct sealing.

1154 Section 26. Section 553.991, Florida Statutes, is amended
1155 to read:

1156 553.991 Purpose.—The purpose of this part is to identify
1157 systems ~~provide for a statewide uniform system~~ for rating the
1158 energy efficiency of buildings. It is in the interest of the
1159 state to encourage the consideration of ~~the~~ energy-efficiency
1160 rating systems ~~system~~ in the market so as to provide market
1161 rewards for energy-efficient buildings and to those persons or
1162 companies designing, building, or selling energy-efficient
1163 buildings.

1164 Section 27. Section 553.992, Florida Statutes, is repealed.

1165 Section 28. Section 553.993, Florida Statutes, is amended
1166 to read:

1167 553.993 Definitions.—For purposes of this part:

1168 (1) "Acquisition" means to gain the sole or partial use of
1169 a building through a purchase agreement.

1170 (2) "Builder" means the primary contractor who possesses
1171 the requisite skill, knowledge, and experience, and has the
1172 responsibility, to supervise, direct, manage, and control the



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1173 contracting activities of the business organization with which
1174 she or he is connected and who has the responsibility to
1175 supervise, direct, manage, and control the construction work on
1176 a job for which she or he has obtained the building permit.
1177 Construction work includes, but is not limited to, foundation,
1178 framing, wiring, plumbing, and finishing work.

1179 (3) "Building energy-efficiency rating system" means a
1180 whole building energy evaluation system established by the
1181 Residential Energy Services Network, the Commercial Energy
1182 Services Network, the Building Performance Institute, or the
1183 Florida Solar Energy Center.

1184 (4)-(3) "Designer" means the architect, engineer, landscape
1185 architect, builder, interior designer, or other person who
1186 performs the actual design work or under whose direct
1187 supervision and responsible charge the construction documents
1188 are prepared.

1189 (5) "Energy auditor" means a trained and certified
1190 professional who conducts energy evaluations of an existing
1191 building and uses tools to identify the building's current
1192 energy usage and the condition of the building and equipment.

1193 (6) "Energy-efficiency rating" means an unbiased indication
1194 of a building's relative energy efficiency based on consistent
1195 inspection procedures, operating assumptions, climate data, and
1196 calculation methods.

1197 (7) "Energy rater" means an individual certified by a
1198 building energy-efficiency rating system to perform building
1199 energy-efficiency ratings for the building type and in the
1200 rating class for which the rater is certified.

1201 (8)-(4) "New building" means commercial occupancy buildings



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1202 permitted for construction after January 1, 1995, and
1203 residential occupancy buildings permitted for construction after
1204 January 1, 1994.

1205 ~~(9)~~⁽⁵⁾ "Public building" means a building comfort-
1206 conditioned for occupancy that is owned or leased by the state,
1207 a state agency, or a governmental subdivision, including, but
1208 not limited to, a city, county, or school district.

1209 Section 29. Section 553.994, Florida Statutes, is amended
1210 to read:

1211 553.994 Applicability.—Building energy-efficiency ~~The~~
1212 rating systems ~~system shall~~ apply to all public, commercial, and
1213 residential buildings in the state.

1214 Section 30. Section 553.995, Florida Statutes, is amended
1215 to read:

1216 553.995 Energy-efficiency ratings for buildings.—

1217 (1) Building ~~The~~ energy-efficiency rating systems must,
1218 ~~system shall~~ at a minimum:

1219 ~~(a) Provide a uniform rating scale of the efficiency of~~
1220 ~~buildings based on annual energy usage.~~

1221 ~~(a)~~^(b) Take into account local climate conditions,
1222 construction practices, and building use.

1223 ~~(b)~~^(e) Be compatible with standard federal rating systems
1224 and state building codes and standards, where applicable, and
1225 shall satisfy the requirements of s. 553.9085 with respect to
1226 residential buildings and s. 255.256 with respect to state
1227 buildings.

1228 ~~(c)~~⁽²⁾ ~~The energy-efficiency rating system adopted by the~~
1229 ~~department shall~~ Provide a means of analyzing ~~and comparing~~ the
1230 relative energy efficiency of buildings upon the sale of new or



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1231 existing residential, public, or commercial buildings.

1232 ~~(3) The department shall establish a voluntary working~~
1233 ~~group of persons interested in the energy efficiency rating~~
1234 ~~system or energy efficiency, including, but not limited to, such~~
1235 ~~persons as electrical engineers, mechanical engineers,~~
1236 ~~architects, public utilities, and builders. The interest group~~
1237 ~~shall advise the department in the development of the energy-~~
1238 ~~efficiency rating system and shall assist the department in the~~
1239 ~~implementation of the rating system by coordinating educational~~
1240 ~~programs for designers, builders, businesses, and other~~
1241 ~~interested persons to assist compliance and to facilitate~~
1242 ~~incorporation of the rating system into existing practices.~~

1243 ~~(2) (a) (4) The department shall develop a training and~~
1244 ~~certification program to certify raters. In addition to the~~
1245 ~~department, Ratings may be conducted by a any local government~~
1246 ~~or private entity if, provided that the appropriate persons have~~
1247 ~~completed the necessary training established by the applicable~~
1248 ~~building energy-efficiency rating system and have been certified~~
1249 ~~by the department.~~

1250 ~~(b) The Department of Management Services shall rate state-~~
1251 ~~owned or state-leased buildings if, provided that the~~
1252 ~~appropriate persons have completed the necessary training~~
1253 ~~established by the applicable building energy-efficiency rating~~
1254 ~~system and have been certified by the Department of Business and~~
1255 ~~Professional Regulation.~~

1256 ~~(c) A state agency that which has building construction~~
1257 ~~regulation authority may rate its own buildings and those it is~~
1258 ~~responsible for, if the appropriate persons have completed the~~
1259 ~~necessary training established by the applicable building~~



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1260 ~~energy-efficiency rating system and have been certified by the~~
1261 ~~Department of Business and Professional Regulation. The~~
1262 ~~Department of Business and Professional Regulation may charge a~~
1263 ~~fee not to exceed the costs for the training and certification~~
1264 ~~of raters. The department shall by rule set the appropriate~~
1265 ~~charges for raters to charge for energy ratings, not to exceed~~
1266 ~~the actual costs.~~

1267 Section 31. Section 553.996, Florida Statutes, is amended
1268 to read:

1269 553.996 Energy-efficiency information provided by building
1270 energy-efficiency rating systems providers brochure.-A
1271 prospective purchaser of real property with a building for
1272 occupancy located thereon shall be provided ~~with a copy of an~~
1273 ~~information brochure,~~ at the time of or before ~~prior to~~ the
1274 purchaser's execution of the contract for sale and purchase
1275 which notifies, ~~notifying~~ the purchaser of the option for an
1276 energy-efficiency rating on the building. Building energy-
1277 efficiency rating system providers identified in this part shall
1278 prepare such information and make it available for distribution
1279 ~~Such brochure shall be prepared, made available for~~
1280 ~~distribution, and provided at no cost by the department. Such~~
1281 ~~brochure shall contain~~ information relevant to that class of
1282 building must include, ~~including,~~ but need not be limited to:

- 1283 (1) How to analyze the building's energy-efficiency rating.
1284 (2) Comparisons to statewide averages for new and existing
1285 construction of that class.
1286 (3) Information concerning methods to improve the
1287 building's energy-efficiency rating.
1288 (4) A notice to residential purchasers that the energy-



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1289 efficiency rating may qualify the purchaser for an energy-
1290 efficient mortgage from lending institutions.

1291 Section 32. Subsection (2) of section 553.997, Florida
1292 Statutes, is amended to read:

1293 553.997 Public buildings.—

1294 (2) ~~The department, together with other~~ State agencies
1295 having building construction and maintenance responsibilities,
1296 shall make available energy-efficiency practices information to
1297 be used by individuals involved in the design, construction,
1298 retrofitting, and maintenance of buildings for state and local
1299 governments.

1300 Section 33. Section 553.998, Florida Statutes, is amended
1301 to read:

1302 553.998 Compliance.—All ratings must ~~shall~~ be determined
1303 using tools and procedures developed by the systems recognized
1304 under this part ~~adopted by the department by rule in accordance~~
1305 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as
1306 accurate and correct and in compliance with procedures of the
1307 system under which the rater is certified ~~adopted by the~~
1308 ~~department by rule in accordance with chapter 120.~~

1309 Section 34. The sums of \$119,618 in recurring funds and
1310 \$263,143 in nonrecurring funds are appropriated from the
1311 Professional Regulation Trust to the Department of Business and
1312 Professional Regulation for the implementation of this act
1313 during the 2013-2014 fiscal year.

1314 Section 35. Except as otherwise explicitly stated
1315 elsewhere, this act shall take effect July 1, 2013.

1316
1317 ===== T I T L E A M E N D M E N T =====



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1318 And the title is amended as follows:

1319 Delete everything before the enacting clause
1320 and insert:

1321 A bill to be entitled

1322 An act relating to building construction; amending s.
1323 162.12, F.S.; revising notice requirements in the
1324 Local Government Code Enforcement Boards Act;
1325 amending ss. 255.20 and 255.2575, F.S.; requiring
1326 governmental entities to specify certain products
1327 associated with public works projects; providing for
1328 applicability; amending s. 255.257, F.S.; requiring
1329 state agencies to use certain building rating systems
1330 and building codes for each new construction and
1331 renovation project; amending s. 381.0065, F.S.;
1332 specifying that certain actions relating to onsite
1333 sewage treatment and removal are not required if a
1334 bedroom is not added during a remodeling addition or
1335 modification to a single-family home; prohibiting a
1336 remodeling addition or modification from certain
1337 coverage or encroachment; authorizing a local health
1338 board to review specific plans; requiring a review to
1339 be completed within a specific time period after
1340 receipt of specific plans; creating s. 489.103, F.S.;
1341 providing for additional exemptions; amending s.
1342 489.105, F.S.; revising definitions; amending s.
1343 489.111, F.S.; revising eligibility criteria to take
1344 the swimming pool/spa examination; providing that
1345 amendments to s. 489.113(2), F.S., enacted in s. 11,
1346 ch. 2012-13, Laws of Florida, are remedial and



1347 intended to clarify existing law; providing for
1348 retroactivity; amending s. 489.127, F.S.; revising
1349 civil penalties; authorizing a local building
1350 department to retain 75 percent of certain fines
1351 collected if it transmits 25 percent to the Department
1352 of Business and Professional Regulation; amending s.
1353 489.131, F.S.; deleting legislative intent referring
1354 to a local agency's enforcement of regulatory laws;
1355 deleting the definitions of "minor violation" and
1356 "notice of noncompliance"; deleting provisions that
1357 provide for what a notice of noncompliance should or
1358 should not include; deleting a provision that provides
1359 for further disciplinary proceedings for certain
1360 licensees; amending s. 489.514, F.S.; extending the
1361 date by which an applicant must make application for a
1362 license to be grandfathered; amending s. 489.531,
1363 F.S.; revising a maximum civil penalty; amending s.
1364 553.71, F.S.; providing a definition for the term
1365 "local technical amendment"; amending s. 553.73, F.S.;
1366 prohibiting any provision of the International
1367 Residential Code relating to mandated fire sprinklers
1368 from incorporation into the Florida Building Code;
1369 amending s. 553.74, F.S.; revising membership of the
1370 Florida Building Commission; amending s. 553.79, F.S.;
1371 authorizing a site plan to be maintained at the
1372 worksite as an electronic copy; requiring the copy to
1373 be open to inspection by certain officials; amending
1374 s. 553.842, F.S.; requiring an application for state
1375 approval of a certain product to be approved by the



1376 department after the application and related
1377 documentation are complete; amending ss. 553.901,
1378 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.;
1379 requiring the Florida Building Commission to adopt the
1380 Florida Building Code-Energy Conservation; conforming
1381 subsequent sections of the thermal efficiency code;
1382 amending s. 553.912, F.S.; requiring replacement air
1383 conditioning systems in residential applications to
1384 use energy-saving quality installation procedures;
1385 providing that certain existing heating and cooling
1386 equipment is not required to meet the minimum
1387 equipment efficiencies; amending s. 553.991, F.S.;
1388 revising the purpose of the Florida Building Energy-
1389 Efficiency Rating Act; repealing s. 553.992, F.S.,
1390 relating to the adoption of a rating system; amending
1391 s. 553.993, F.S.; providing definitions; amending s.
1392 553.994, F.S.; providing for the applicability of
1393 building energy-efficiency rating systems; amending s.
1394 553.995, F.S.; deleting a minimum requirement for the
1395 building energy-efficiency rating systems; revising
1396 language; deleting provisions relating to a certain
1397 interest group; deleting provisions relating to the
1398 Department of Business and Professional Regulation;
1399 amending s. 553.996, F.S.; requiring building energy-
1400 efficiency rating system providers to provide certain
1401 information; amending s. 553.997, F.S.; deleting a
1402 provision relating to the department; amending s.
1403 553.998, F.S.; revising provisions relating to rating
1404 compliance; providing an appropriation; providing



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effective dates.