

By the Committees on Appropriations; and Community Affairs; and  
Senator Detert

576-04931A-13

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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;  
5           amending ss. 255.20 and 255.2575, F.S.; requiring  
6           governmental entities to specify certain products  
7           associated with public works projects; providing for  
8           applicability; amending s. 255.257, F.S.; requiring  
9           state agencies to use certain building rating systems  
10          and building codes for each new construction and  
11          renovation project; amending s. 381.0065, F.S.;  
12          specifying that certain actions relating to onsite  
13          sewage treatment and removal are not required if a  
14          bedroom is not added during a remodeling addition or  
15          modification to a single-family home; prohibiting a  
16          remodeling addition or modification from certain  
17          coverage or encroachment; authorizing a local health  
18          board to review specific plans; requiring a review to  
19          be completed within a specific time period after  
20          receipt of specific plans; amending s. 489.103, F.S.;  
21          providing for additional exemptions; amending s.  
22          489.105, F.S.; revising definitions; amending s.  
23          489.111, F.S.; revising eligibility criteria to take  
24          the swimming pool/spa examination; providing that  
25          amendments to s. 489.113(2), F.S., enacted in s. 11,  
26          ch. 2012-13, Laws of Florida, are remedial and  
27          intended to clarify existing law; providing for  
28          retroactivity; amending s. 489.127, F.S.; revising  
29          civil penalties; authorizing a local building

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30 department to retain 75 percent of certain fines  
31 collected if it transmits 25 percent to the Department  
32 of Business and Professional Regulation; amending s.  
33 489.131, F.S.; deleting legislative intent referring  
34 to a local agency's enforcement of regulatory laws;  
35 deleting the definitions of "minor violation" and  
36 "notice of noncompliance"; deleting provisions that  
37 provide for what a notice of noncompliance should or  
38 should not include; deleting a provision that provides  
39 for further disciplinary proceedings for certain  
40 licensees; amending s. 489.514, F.S.; extending the  
41 date by which an applicant must make application for a  
42 license to be grandfathered; amending s. 489.531,  
43 F.S.; revising a maximum civil penalty; amending s.  
44 553.71, F.S.; providing a definition for the term  
45 "local technical amendment"; amending s. 553.73, F.S.;  
46 prohibiting any provision of the International  
47 Residential Code relating to mandated fire sprinklers  
48 from incorporation into the Florida Building Code;  
49 amending s. 553.74, F.S.; revising membership of the  
50 Florida Building Commission; amending s. 553.79, F.S.;  
51 authorizing a site plan to be maintained at the  
52 worksite as an electronic copy; requiring the copy to  
53 be open to inspection by certain officials; amending  
54 s. 553.842, F.S.; requiring an application for state  
55 approval of a certain product to be approved by the  
56 department after the application and related  
57 documentation are complete; amending ss. 553.901,  
58 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.;

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59 requiring the Florida Building Commission to adopt the  
60 Florida Building Code-Energy Conservation; conforming  
61 subsequent sections of the thermal efficiency code;  
62 amending s. 553.912, F.S.; requiring replacement air  
63 conditioning systems in residential applications to  
64 use energy-saving quality installation procedures;  
65 providing that certain existing heating and cooling  
66 equipment is not required to meet the minimum  
67 equipment efficiencies; amending s. 553.991, F.S.;

68 revising the purpose of the Florida Building Energy-  
69 Efficiency Rating Act; repealing s. 553.992, F.S.,  
70 relating to the adoption of a rating system; amending  
71 s. 553.993, F.S.; providing definitions; amending s.  
72 553.994, F.S.; providing for the applicability of  
73 building energy-efficiency rating systems; amending s.  
74 553.995, F.S.; deleting a minimum requirement for the  
75 building energy-efficiency rating systems; revising  
76 language; deleting provisions relating to a certain  
77 interest group; deleting provisions relating to the  
78 Department of Business and Professional Regulation;  
79 amending s. 553.996, F.S.; requiring building energy-  
80 efficiency rating system providers to provide certain  
81 information; amending s. 553.997, F.S.; deleting a  
82 provision relating to the department; amending s.  
83 553.998, F.S.; revising provisions relating to rating  
84 compliance; providing effective dates.

85  
86 Be It Enacted by the Legislature of the State of Florida:  
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88 Section 1. Section 162.12, Florida Statutes, is amended to  
89 read:

90 162.12 Notices.—

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

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

105 (b) Hand delivery by the sheriff or other law enforcement  
106 officer, code inspector, or other person designated by the local  
107 governing body;

108 (c) Leaving the notice at the violator's usual place of  
109 residence with any person residing therein who is above 15 years  
110 of age and informing such person of the contents of the notice;  
111 or

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

114 (2) In addition to providing notice as set forth in  
115 subsection (1), at the option of the code enforcement board or  
116 the local government, notice may ~~also~~ be served by publication

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117 or posting, as follows:

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

124 2. Proof of publication shall be made as provided in ss.  
125 50.041 and 50.051.

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

135 2. Proof of posting shall be by affidavit of the person  
136 posting the notice, which affidavit shall include a copy of the  
137 notice posted and the date and places of its posting.

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

141  
142 Evidence that an attempt has been made to hand deliver or mail  
143 notice as provided in subsection (1), together with proof of  
144 publication or posting as provided in subsection (2), shall be  
145 sufficient to show that the notice requirements of this part

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146 have been met, without regard to whether or not the alleged  
147 violator actually received such notice.

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

150 255.20 Local bids and contracts for public construction  
151 works; specification of state-produced lumber.—

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

161 (b) This subsection does not apply:

162 1. To plywood specified for monolithic concrete forms.7

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

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

168 4. To transportation projects for which federal aid funds  
169 are available.

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

172 255.2575 Energy-efficient and sustainable buildings.—

173 (4) (a) All state agencies, county officials, boards of  
174 county commissioners, school boards, city councils, city

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

183 (b) This subsection does not apply:

184 1. To plywood specified for monolithic concrete forms.

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

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

190 4. To transportation projects for which federal aid funds  
191 are available.

192 Section 4. Paragraph (a) of subsection (4) of section  
193 255.257, Florida Statutes, is amended to read:

194 255.257 Energy management; buildings occupied by state  
195 agencies.—

196 (4) ADOPTION OF STANDARDS.—

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

201 Section 5. Paragraph (aa) of subsection (4) of section  
202 381.0065, Florida Statutes, is amended to read:

203 381.0065 Onsite sewage treatment and disposal systems;

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204 regulation.—

205 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
206 construct, repair, modify, abandon, or operate an onsite sewage  
207 treatment and disposal system without first obtaining a permit  
208 approved by the department. The department may issue permits to  
209 carry out this section, but shall not make the issuance of such  
210 permits contingent upon prior approval by the Department of  
211 Environmental Protection, except that the issuance of a permit  
212 for work seaward of the coastal construction control line  
213 established under s. 161.053 shall be contingent upon receipt of  
214 any required coastal construction control line permit from the  
215 Department of Environmental Protection. A construction permit is  
216 valid for 18 months from the issuance date and may be extended  
217 by the department for one 90-day period under rules adopted by  
218 the department. A repair permit is valid for 90 days from the  
219 date of issuance. An operating permit must be obtained prior to  
220 the use of any aerobic treatment unit or if the establishment  
221 generates commercial waste. Buildings or establishments that use  
222 an aerobic treatment unit or generate commercial waste shall be  
223 inspected by the department at least annually to assure  
224 compliance with the terms of the operating permit. The operating  
225 permit for a commercial wastewater system is valid for 1 year  
226 from the date of issuance and must be renewed annually. The  
227 operating permit for an aerobic treatment unit is valid for 2  
228 years from the date of issuance and must be renewed every 2  
229 years. If all information pertaining to the siting, location,  
230 and installation conditions or repair of an onsite sewage  
231 treatment and disposal system remains the same, a construction  
232 or repair permit for the onsite sewage treatment and disposal



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233 system may be transferred to another person, if the transferee  
234 files, within 60 days after the transfer of ownership, an  
235 amended application providing all corrected information and  
236 proof of ownership of the property. There is no fee associated  
237 with the processing of this supplemental information. A person  
238 may not contract to construct, modify, alter, repair, service,  
239 abandon, or maintain any portion of an onsite sewage treatment  
240 and disposal system without being registered under part III of  
241 chapter 489. A property owner who personally performs  
242 construction, maintenance, or repairs to a system serving his or  
243 her own owner-occupied single-family residence is exempt from  
244 registration requirements for performing such construction,  
245 maintenance, or repairs on that residence, but is subject to all  
246 permitting requirements. A municipality or political subdivision  
247 of the state may not issue a building or plumbing permit for any  
248 building that requires the use of an onsite sewage treatment and  
249 disposal system unless the owner or builder has received a  
250 construction permit for such system from the department. A  
251 building or structure may not be occupied and a municipality,  
252 political subdivision, or any state or federal agency may not  
253 authorize occupancy until the department approves the final  
254 installation of the onsite sewage treatment and disposal system.  
255 A municipality or political subdivision of the state may not  
256 approve any change in occupancy or tenancy of a building that  
257 uses an onsite sewage treatment and disposal system until the  
258 department has reviewed the use of the system with the proposed  
259 change, approved the change, and amended the operating permit.

260       (aa) An existing-system inspection or evaluation and  
261 assessment, or a modification, replacement, or upgrade of an

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262 onsite sewage treatment and disposal system is not required for  
263 a remodeling addition or modification to a single-family home if  
264 a bedroom is not added. However, a remodeling addition or  
265 modification to a single-family home may not cover any part of  
266 the existing system or encroach upon a required setback or the  
267 unobstructed area. To determine if a setback or the unobstructed  
268 area is impacted, the local health department shall review and  
269 verify a floor plan and site plan of the proposed remodeling  
270 addition or modification to the home submitted by a remodeler  
271 which shows the location of the system, including the distance  
272 of the remodeling addition or modification to the home from the  
273 onsite sewage treatment and disposal system. The local health  
274 department may visit the site or otherwise determine the best  
275 means of verifying the information submitted. A verification of  
276 the location of a system is not an inspection or evaluation and  
277 assessment of the system. The review and verification must be  
278 completed within 7 business days after receipt by the local  
279 health department of a floor plan and site plan. If the review  
280 and verification is not completed within such time, the  
281 remodeling addition or modification to the single-family home,  
282 for the purposes of this paragraph, is approved.

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

285 489.103 Exemptions.— This part does not apply to:

286 (23) An owner or operator of a public swimming pool or spa  
287 permitted under s. 514.031, an entity under common ownership or  
288 control with the owner or operator, or a direct employee of the  
289 owner, operator, or related entity, who undertakes to maintain  
290 the swimming pool or spa for the purpose of water treatment.

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

293 489.105 Definitions.— As used in this part:

294 (3) "Contractor" means the person who is qualified for, and  
295 is only responsible for, the project contracted for and means,  
296 except as exempted in this part, the person who, for  
297 compensation, undertakes to, submits a bid to, or does himself  
298 or herself or by others construct, repair, alter, remodel, add  
299 to, demolish, maintain for purposes of water treatment, subtract  
300 from, or improve any building or structure, including related  
301 improvements to real estate, for others or for resale to others;  
302 and whose job scope is substantially similar to the job scope  
303 described in one of the paragraphs of this subsection. For the  
304 purposes of regulation under this part, the term "demolish"  
305 applies only to demolition of steel tanks more than 50 feet in  
306 height; towers more than 50 feet in height; other structures  
307 more than 50 feet in height; and, effective July 1, 2013, the  
308 term applies to ~~and all~~ buildings or residences more than three  
309 stories tall. For purposes of regulation under this part, the  
310 phrase "maintain for purposes of water treatment" applies only  
311 to cleaning, maintenance, and water treatment of swimming pools  
312 and spas. Contractors are subdivided into two divisions,  
313 Division I, consisting of those contractors defined in  
314 paragraphs (a)-(c), and Division II, consisting of those  
315 contractors defined in paragraphs (d)-(q):

316 (a) "General contractor" means a contractor whose services  
317 are unlimited as to the type of work which he or she may do, who  
318 may contract for any activity requiring licensure under this  
319 part, and who may perform any work requiring licensure under

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320 this part, except as otherwise expressly provided in s. 489.113.

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

329 (c) "Residential contractor" means a contractor whose  
330 services are limited to construction, remodeling, repair, or  
331 improvement of one-family, two-family, or three-family  
332 residences not exceeding two habitable stories above no more  
333 than one uninhabitable story and accessory use structures in  
334 connection therewith.

335 (d) "Sheet metal contractor" means a contractor whose  
336 services are unlimited in the sheet metal trade and who has the  
337 experience, knowledge, and skill necessary for the manufacture,  
338 fabrication, assembling, handling, erection, installation,  
339 dismantling, conditioning, adjustment, insulation, alteration,  
340 repair, servicing, or design, if not prohibited by law, of  
341 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
342 equivalent or lighter gauge and of other materials, including,  
343 but not limited to, fiberglass, used in lieu thereof and of air-  
344 handling systems, including the setting of air-handling  
345 equipment and reinforcement of same, the balancing of air-  
346 handling systems, and any duct cleaning and equipment sanitizing  
347 that requires at least a partial disassembling of the system.

348 (e) "Roofing contractor" means a contractor whose services

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349 are unlimited in the roofing trade and who has the experience,  
350 knowledge, and skill to install, maintain, repair, alter,  
351 extend, or design, if not prohibited by law, and use materials  
352 and items used in the installation, maintenance, extension, and  
353 alteration of all kinds of roofing, waterproofing, and coating,  
354 except when coating is not represented to protect, repair,  
355 waterproof, stop leaks, or extend the life of the roof. The  
356 scope of work of a roofing contractor also includes skylights  
357 and any related work, required roof-deck attachments, and any  
358 repair or replacement of wood roof sheathing or fascia as needed  
359 during roof repair or replacement and any related work.

360 (f) "Class A air-conditioning contractor" means a  
361 contractor whose services are unlimited in the execution of  
362 contracts requiring the experience, knowledge, and skill to  
363 install, maintain, repair, fabricate, alter, extend, or design,  
364 if not prohibited by law, central air-conditioning,  
365 refrigeration, heating, and ventilating systems, including duct  
366 work in connection with a complete system if such duct work is  
367 performed by the contractor as necessary to complete an air-  
368 distribution system, boiler and unfired pressure vessel systems,  
369 and all appurtenances, apparatus, or equipment used in  
370 connection therewith, and any duct cleaning and equipment  
371 sanitizing that requires at least a partial disassembling of the  
372 system; to install, maintain, repair, fabricate, alter, extend,  
373 or design, if not prohibited by law, piping, insulation of  
374 pipes, vessels and ducts, pressure and process piping, and  
375 pneumatic control piping; to replace, disconnect, or reconnect  
376 power wiring on the load side of the dedicated existing  
377 electrical disconnect switch; to install, disconnect, and

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378 reconnect low voltage heating, ventilating, and air-conditioning  
379 control wiring; and to install a condensate drain from an air-  
380 conditioning unit to an existing safe waste or other approved  
381 disposal other than a direct connection to a sanitary system.  
382 The scope of work for such contractor also includes any  
383 excavation work incidental thereto, but does not include any  
384 work such as liquefied petroleum or natural gas fuel lines  
385 within buildings, except for disconnecting or reconnecting  
386 changeouts of liquefied petroleum or natural gas appliances  
387 within buildings; potable water lines or connections thereto;  
388 sanitary sewer lines; swimming pool piping and filters; or  
389 electrical power wiring. A Class A air-conditioning contractor  
390 may test and evaluate central air-conditioning, refrigeration,  
391 heating, and ventilating systems, including duct work; however,  
392 a mandatory licensing requirement is not established for the  
393 performance of these specific services.

394 (g) "Class B air-conditioning contractor" means a  
395 contractor whose services are limited to 25 tons of cooling and  
396 500,000 Btu of heating in any one system in the execution of  
397 contracts requiring the experience, knowledge, and skill to  
398 install, maintain, repair, fabricate, alter, extend, or design,  
399 if not prohibited by law, central air-conditioning,  
400 refrigeration, heating, and ventilating systems, including duct  
401 work in connection with a complete system only to the extent  
402 such duct work is performed by the contractor as necessary to  
403 complete an air-distribution system being installed under this  
404 classification, and any duct cleaning and equipment sanitizing  
405 that requires at least a partial disassembling of the system; to  
406 install, maintain, repair, fabricate, alter, extend, or design,

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407 if not prohibited by law, piping and insulation of pipes,  
408 vessels, and ducts; to replace, disconnect, or reconnect power  
409 wiring on the load side of the dedicated existing electrical  
410 disconnect switch; to install, disconnect, and reconnect low  
411 voltage heating, ventilating, and air-conditioning control  
412 wiring; and to install a condensate drain from an air-  
413 conditioning unit to an existing safe waste or other approved  
414 disposal other than a direct connection to a sanitary system.  
415 The scope of work for such contractor also includes any  
416 excavation work incidental thereto, but does not include any  
417 work such as liquefied petroleum or natural gas fuel lines  
418 within buildings, except for disconnecting or reconnecting  
419 changeouts of liquefied petroleum or natural gas appliances  
420 within buildings; potable water lines or connections thereto;  
421 sanitary sewer lines; swimming pool piping and filters; or  
422 electrical power wiring. A Class B air-conditioning contractor  
423 may test and evaluate central air-conditioning, refrigeration,  
424 heating, and ventilating systems, including duct work; however,  
425 a mandatory licensing requirement is not established for the  
426 performance of these specific services.

427 (h) "Class C air-conditioning contractor" means a  
428 contractor whose business is limited to the servicing of air-  
429 conditioning, heating, or refrigeration systems, including any  
430 duct cleaning and equipment sanitizing that requires at least a  
431 partial disassembling of the system, and whose certification or  
432 registration, issued pursuant to this part, was valid on October  
433 1, 1988. Only a person who was registered or certified as a  
434 Class C air-conditioning contractor as of October 1, 1988, shall  
435 be so registered or certified after October 1, 1988. However,

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436 the board shall continue to license and regulate those Class C  
437 air-conditioning contractors who held Class C licenses before  
438 October 1, 1988.

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



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465 connection to a sanitary system. The scope of work for such  
466 contractor also includes any excavation work incidental thereto,  
467 but does not include any work such as potable water lines or  
468 connections thereto, sanitary sewer lines, swimming pool piping  
469 and filters, or electrical power wiring. A mechanical contractor  
470 may test and evaluate central air-conditioning, refrigeration,  
471 heating, and ventilating systems, including duct work; however,  
472 a mandatory licensing requirement is not established for the  
473 performance of these specific services.

474 (j) "Commercial pool/spa contractor" means a contractor  
475 whose scope of work involves, but is not limited to, the  
476 construction, repair, water treatment, maintenance, and  
477 servicing of any swimming pool, or hot tub or spa, whether  
478 public, private, or otherwise, regardless of use. The scope of  
479 work includes the installation, repair, or replacement of  
480 existing equipment, ~~any cleaning or equipment sanitizing that~~  
481 ~~requires at least a partial disassembling, excluding filter~~  
482 ~~changes, and~~ the installation of new pool/spa equipment,  
483 interior finishes, the installation of package pool heaters, the  
484 installation of all perimeter piping and filter piping, and the  
485 construction of equipment rooms or housing for pool/spa  
486 equipment, and also includes the scope of work of a swimming  
487 pool/spa servicing contractor. The scope of such work does not  
488 include direct connections to a sanitary sewer system or to  
489 potable water lines. ~~The installation, construction,~~  
490 ~~modification, or replacement of equipment permanently attached~~  
491 ~~to and associated with the pool or spa for the purpose of water~~  
492 ~~treatment or cleaning of the pool or spa requires licensure;~~  
493 ~~however, the usage of such equipment for the purposes of water~~

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494 ~~treatment or cleaning does not require licensure unless the~~  
495 ~~usage involves construction, modification, or replacement of~~  
496 ~~such equipment. Water treatment that does not require such~~  
497 ~~equipment does not require a license. In addition, a license is~~  
498 ~~not required for the cleaning of the pool or spa in a way that~~  
499 ~~does not affect the structural integrity of the pool or spa or~~  
500 ~~its associated equipment.~~

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

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523 ~~require such equipment does not require a license. In addition,~~  
524 ~~a license is not required for the cleaning of the pool or spa in~~  
525 ~~a way that does not affect the structural integrity of the pool~~  
526 ~~or spa or its associated equipment.~~

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

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552 ~~treatment that does not require such equipment does not require~~  
553 ~~a license. In addition, a license is not required for the~~  
554 ~~cleaning of the pool or spa in a way that does not affect the~~  
555 ~~structural integrity of the pool or spa or its associated~~  
556 ~~equipment.~~

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

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

602 (n) "Underground utility and excavation contractor" means a  
603 contractor whose services are limited to the construction,  
604 installation, and repair, on public or private property, whether  
605 accomplished through open excavations or through other means,  
606 including, but not limited to, directional drilling, auger  
607 boring, jacking and boring, trenchless technologies, wet and dry  
608 taps, grouting, and slip lining, of main sanitary sewer  
609 collection systems, main water distribution systems, storm sewer

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

631 (o) "Solar contractor" means a contractor whose services  
632 consist of the installation, alteration, repair, maintenance,  
633 relocation, or replacement of solar panels for potable solar  
634 water heating systems, swimming pool solar heating systems, and  
635 photovoltaic systems and any appurtenances, apparatus, or  
636 equipment used in connection therewith, whether public, private,  
637 or otherwise, regardless of use. A contractor, certified or  
638 registered pursuant to this chapter, is not required to become a

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639 certified or registered solar contractor or to contract with a  
640 solar contractor in order to provide services enumerated in this  
641 paragraph that are within the scope of the services such  
642 contractors may render under this part.

643 (p) "Pollutant storage systems contractor" means a  
644 contractor whose services are limited to, and who has the  
645 experience, knowledge, and skill to install, maintain, repair,  
646 alter, extend, or design, if not prohibited by law, and use  
647 materials and items used in the installation, maintenance,  
648 extension, and alteration of, pollutant storage tanks. Any  
649 person installing a pollutant storage tank shall perform such  
650 installation in accordance with the standards adopted pursuant  
651 to s. 376.303.

652 (q) "Specialty contractor" means a contractor whose scope  
653 of work and responsibility is limited to a particular phase of  
654 construction established in a category adopted by board rule and  
655 whose scope is limited to a subset of the activities described  
656 in one of the paragraphs of this subsection.

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

659 489.111 Licensure by examination.—

660 (2) A person shall be eligible for licensure by examination  
661 if the person:

662 (a) Is 18 years of age;

663 (b) Is of good moral character; and

664 (c) Meets eligibility requirements according to one of the  
665 following criteria:

666 1. Has received a baccalaureate degree from an accredited  
667 4-year college in the appropriate field of engineering,

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668 architecture, or building construction and has 1 year of proven  
669 experience in the category in which the person seeks to qualify.  
670 For the purpose of this part, a minimum of 2,000 person-hours  
671 shall be used in determining full-time equivalency.

672 2. Has a total of at least 4 years of active experience as  
673 a worker who has learned the trade by serving an apprenticeship  
674 as a skilled worker who is able to command the rate of a  
675 mechanic in the particular trade or as a foreman who is in  
676 charge of a group of workers and usually is responsible to a  
677 superintendent or a contractor or his or her equivalent,  
678 provided, however, that at least 1 year of active experience  
679 shall be as a foreman.

680 3. Has a combination of not less than 1 year of experience  
681 as a foreman and not less than 3 years of credits for any  
682 accredited college-level courses; has a combination of not less  
683 than 1 year of experience as a skilled worker, 1 year of  
684 experience as a foreman, and not less than 2 years of credits  
685 for any accredited college-level courses; or has a combination  
686 of not less than 2 years of experience as a skilled worker, 1  
687 year of experience as a foreman, and not less than 1 year of  
688 credits for any accredited college-level courses. All junior  
689 college or community college-level courses shall be considered  
690 accredited college-level courses.

691 4.a. An active certified residential contractor is eligible  
692 to take the building contractors' examination if he or she  
693 possesses a minimum of 3 years of proven experience in the  
694 classification in which he or she is certified.

695 b. An active certified residential contractor is eligible  
696 to take the general contractors' examination if he or she



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697 possesses a minimum of 4 years of proven experience in the  
698 classification in which he or she is certified.

699 c. An active certified building contractor is eligible to  
700 take the general contractors' examination if he or she possesses  
701 a minimum of 4 years of proven experience in the classification  
702 in which he or she is certified.

703 5.a. An active certified air-conditioning Class C  
704 contractor is eligible to take the air-conditioning Class B  
705 contractors' examination if he or she possesses a minimum of 3  
706 years of proven experience in the classification in which he or  
707 she is certified.

708 b. An active certified air-conditioning Class C contractor  
709 is eligible to take the air-conditioning Class A contractors'  
710 examination if he or she possesses a minimum of 4 years of  
711 proven experience in the classification in which he or she is  
712 certified.

713 c. An active certified air-conditioning Class B contractor  
714 is eligible to take the air-conditioning Class A contractors'  
715 examination if he or she possesses a minimum of 1 year of proven  
716 experience in the classification in which he or she is  
717 certified.

718 6.a. An active certified swimming pool servicing contractor  
719 is eligible to take the residential swimming pool contractors'  
720 examination if he or she possesses a minimum of 3 years of  
721 proven experience in the classification in which he or she is  
722 certified.

723 b. An active certified swimming pool servicing contractor  
724 is eligible to take the swimming pool commercial contractors'  
725 examination if he or she possesses a minimum of 4 years of

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726 proven experience in the classification in which he or she is  
727 certified.

728 c. An active certified residential swimming pool contractor  
729 is eligible to take the commercial swimming pool contractors'  
730 examination if he or she possesses a minimum of 1 year of proven  
731 experience in the classification in which he or she is  
732 certified.

733 d. An applicant is eligible to take the swimming pool/spa  
734 servicing contractors' examination if he or she has  
735 satisfactorily completed 60 hours of instruction in courses and  
736 20 hours of field hands-on instruction related to the scope of  
737 work covered by that license and approved by the Construction  
738 Industry Licensing Board by rule ~~and has at least 1 year of~~  
739 ~~proven experience related to the scope of work of such a~~  
740 ~~contractor.~~

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

746 Section 10. Paragraphs (c) and (f) of subsection (5) and  
747 subsection (6) of section 489.127, Florida Statutes, are amended  
748 to read:

749 489.127 Prohibitions; penalties.-

750 (5) Each county or municipality may, at its option,  
751 designate one or more of its code enforcement officers, as  
752 defined in chapter 162, to enforce, as set out in this  
753 subsection, the provisions of subsection (1) and s. 489.132(1)  
754 against persons who engage in activity for which a county or

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755 municipal certificate of competency or license or state  
756 certification or registration is required.

757 (c) The local governing body of the county or municipality  
758 ~~may is authorized to~~ enforce codes and ordinances against  
759 unlicensed contractors under the provisions of this subsection  
760 and may enact an ordinance establishing procedures for  
761 implementing this subsection, including a schedule of penalties  
762 to be assessed by the code enforcement officer. The maximum  
763 civil penalty which may be levied ~~may shall~~ not exceed \$2,000  
764 ~~\$500~~. Moneys collected pursuant to this subsection shall be  
765 retained locally, as provided for by local ordinance, and may be  
766 set aside in a specific fund to support future enforcement  
767 activities against unlicensed contractors.

768 (f) If the enforcement or licensing board or designated  
769 special magistrate finds that a violation exists, the  
770 enforcement or licensing board or designated special magistrate  
771 may order the violator to pay a civil penalty of not less than  
772 the amount set forth on the citation but not more than \$1,500  
773 ~~\$1,000~~ per day for each violation. In determining the amount of  
774 the penalty, the enforcement or licensing board or designated  
775 special magistrate shall consider the following factors:

- 776 1. The gravity of the violation.
- 777 2. Any actions taken by the violator to correct the  
778 violation.
- 779 3. Any previous violations committed by the violator.

780 (6) Local building departments may collect outstanding  
781 fines against registered or certified contractors issued by the  
782 Construction Industry Licensing Board and may retain 75 ~~25~~  
783 percent of the fines they are able to collect, provided that

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784 they transmit 25 ~~75~~ percent of the fines they are able to  
785 collect to the department according to a procedure to be  
786 determined by the department.

787 Section 11. Paragraph (a) of subsection (7) of section  
788 489.131, Florida Statutes, is amended to read:

789 489.131 Applicability.—

790 (7) (a) It is the policy of the state that the purpose of  
791 regulation is to protect the public by attaining compliance with  
792 the policies established in law. Fines and other penalties are  
793 provided in order to ensure compliance; ~~however, the collection~~  
794 ~~of fines and the imposition of penalties are intended to be~~  
795 ~~secondary to the primary goal of attaining compliance with state~~  
796 ~~laws and local jurisdiction ordinances. It is the intent of the~~  
797 ~~Legislature that a local jurisdiction agency charged with~~  
798 ~~enforcing regulatory laws shall issue a notice of noncompliance~~  
799 ~~as its first response to a minor violation of a regulatory law~~  
800 ~~in any instance in which it is reasonable to assume that the~~  
801 ~~violator was unaware of such a law or unclear as to how to~~  
802 ~~comply with it. A violation of a regulatory law is a "minor~~  
803 ~~violation" if it does not result in economic or physical harm to~~  
804 ~~a person or adversely affect the public health, safety, or~~  
805 ~~welfare or create a significant threat of such harm. A "notice~~  
806 ~~of noncompliance" is a notification by the local jurisdiction~~  
807 ~~agency charged with enforcing the ordinance, which is issued to~~  
808 ~~the licensee that is subject to the ordinance. A notice of~~  
809 ~~noncompliance should not be accompanied with a fine or other~~  
810 ~~disciplinary penalty. It should identify the specific ordinance~~  
811 ~~that is being violated, provide information on how to comply~~  
812 ~~with the ordinance, and specify a reasonable time for the~~

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813 ~~violator to comply with the ordinance. Failure of a licensee to~~  
814 ~~take action correcting the violation within a set period of time~~  
815 ~~would then result in the institution of further disciplinary~~  
816 ~~proceedings.~~

817 Section 12. Section 489.514, Florida Statutes, is amended  
818 to read:

819 489.514 Certification for registered contractors;  
820 grandfathering provisions.—

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

824 (a) To an applying registered electrical contractor, a  
825 certificate as an electrical contractor, as defined in s.  
826 489.505(12); ~~or~~

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

830 (c) To an applying registered electrical specialty  
831 contractor, a certificate in the matching electrical specialty  
832 contractor category, as defined in s. 489.505(19).

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

836 (a) Currently holds a valid registered local license in the  
837 category of electrical contractor, alarm system contractor, or  
838 electrical specialty contractor.

839 (b) Has, for that category, passed a written, proctored  
840 examination that the board finds to be substantially similar to  
841 the examination required to be licensed as a certified

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842 contractor under this part. For purposes of this subsection, a  
843 written, proctored examination such as that produced by the  
844 National Assessment Institute, Block and Associates, NAI/Block,  
845 Experior Assessments, Professional Testing, Inc., or Assessment  
846 Systems, Inc., shall be considered to be substantially similar  
847 to the examination required to be licensed as a certified  
848 contractor. The board may not impose or make any requirements  
849 regarding the nature or content of these cited examinations.

850 (c) Has at least 5 years of experience as a contractor in  
851 that contracting category, or as an inspector or building  
852 administrator with oversight over that category, at the time of  
853 application. For contractors, only time periods in which the  
854 contractor license is active and the contractor is not on  
855 probation shall count toward the 5 years required under this  
856 subsection.

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

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

863 (3) An applicant must make application by November 1, 2015  
864 ~~2004~~, to be licensed pursuant to this section.

865 Section 13. Paragraph (c) of subsection (4) of section  
866 489.531, Florida Statutes, is amended to read:

867 489.531 Prohibitions; penalties.—

868 (4) Each county or municipality may, at its option,  
869 designate one or more of its code enforcement officers, as  
870 defined in chapter 162, to enforce, as set out in this

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871 subsection, the provisions of subsection (1) against persons who  
872 engage in activity for which county or municipal certification  
873 is required.

874 (c) The local governing body of the county or municipality  
875 ~~may is authorized to~~ enforce codes and ordinances against  
876 unlicensed contractors under the provisions of this section and  
877 may enact an ordinance establishing procedures for implementing  
878 this section, including a schedule of penalties to be assessed  
879 by the code enforcement officers. The maximum civil penalty  
880 which may be levied ~~may shall~~ not exceed \$2,000 ~~\$500~~. Moneys  
881 collected pursuant to this section shall be retained locally as  
882 provided for by local ordinance and may be set aside in a  
883 specific fund to support future enforcement activities against  
884 unlicensed contractors.

885 Section 14. Present subsections (6) through (11) of section  
886 553.71, Florida Statutes, are redesignated as subsections (7)  
887 through (12), respectively, and a new subsection (6) is added to  
888 that section, to read:

889 553.71 Definitions.—As used in this part, the term:

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

893 Section 15. Subsection (17) of section 553.73, Florida  
894 Statutes, is amended to read:

895 553.73 Florida Building Code.—

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

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900 Commission and may not be adopted as a local amendment to the  
901 Florida Building Code. This subsection does not prohibit the  
902 application of cost-saving incentives for residential fire  
903 sprinklers that are authorized in the International Residential  
904 Code upon a mutual agreement between the builder and the code  
905 official. This subsection does not apply to a local government  
906 that has a lawfully adopted ordinance relating to fire  
907 sprinklers which has been in effect since January 1, 2010.

908 Section 16. Subsection (1) of section 553.74, Florida  
909 Statutes, is amended to read:

910 553.74 Florida Building Commission.—

911 (1) The Florida Building Commission is created and located  
912 within the Department of Business and Professional Regulation  
913 for administrative purposes. Members are ~~shall be~~ appointed by  
914 the Governor subject to confirmation by the Senate. The  
915 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of  
916 the following:

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

921 (b) One structural engineer registered to practice in this  
922 state and actively engaged in the profession. The Florida  
923 Engineering Society is encouraged to recommend a list of  
924 candidates for consideration.

925 (c) One air-conditioning or mechanical contractor certified  
926 to do business in this state and actively engaged in the  
927 profession. The Florida Air Conditioning Contractors  
928 Association, the Florida Refrigeration and Air Conditioning



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929 Contractors Association, and the Mechanical Contractors  
930 Association of Florida are encouraged to recommend a list of  
931 candidates for consideration.

932 (d) One electrical contractor certified to do business in  
933 this state and actively engaged in the profession. The Florida  
934 Electrical Contractors Association and the National Electrical  
935 Contractors Association, Florida Chapter, are encouraged to  
936 recommend a list of candidates for consideration.

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

942 (f) One general contractor certified to do business in this  
943 state and actively engaged in the profession. The Associated  
944 Builders and Contractors of Florida, the Florida Associated  
945 General Contractors Council, and the Union Contractors  
946 Association are encouraged to recommend a list of candidates for  
947 consideration.

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

952 (h) One roofing or sheet metal contractor certified to do  
953 business in this state and actively engaged in the profession.  
954 The Florida Roofing, Sheet Metal, and Air Conditioning  
955 Contractors Association and the Sheet Metal and Air Conditioning  
956 Contractors National Association are encouraged to recommend a  
957 list of candidates for consideration.

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

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

967 (k) One member who represents the Department of Financial  
968 Services.

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

972 (m) One member of a Florida-based organization of persons  
973 with disabilities or a nationally chartered organization of  
974 persons with disabilities with chapters in this state.

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

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

983 (p) One member who is a representative of a municipality or  
984 a charter county. The Florida League of Cities and the Florida  
985 Association of Counties are encouraged to recommend a list of  
986 candidates for consideration.

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987 (q) One member of the building products manufacturing  
988 industry who is authorized to do business in this state and is  
989 actively engaged in the industry. The Florida Building Material  
990 Association, the Florida Concrete and Products Association, and  
991 the Fenestration Manufacturers Association are encouraged to  
992 recommend a list of candidates for consideration.

993 (r) One member who is a representative of the building  
994 owners and managers industry who is actively engaged in  
995 commercial building ownership or management. The Building Owners  
996 and Managers Association is encouraged to recommend a list of  
997 candidates for consideration.

998 (s) One member who is a representative of the insurance  
999 industry. The Florida Insurance Council is encouraged to  
1000 recommend a list of candidates for consideration.

1001 (t) One member who is a representative of public education.

1002 (u) One member who is a swimming pool contractor licensed  
1003 to do business in this state and actively engaged in the  
1004 profession. The Florida Swimming Pool Association and the United  
1005 Pool and Spa Association are encouraged to recommend a list of  
1006 candidates for consideration.

1007 (v) One member who is a representative of the green  
1008 building industry and who is a third-party commission agent, a  
1009 Florida board member of the United States Green Building Council  
1010 or Green Building Initiative, a professional who is accredited  
1011 under the International Green Construction Code (IGCC), or a  
1012 professional who is accredited under Leadership in Energy and  
1013 Environmental Design (LEED).

1014 (w) One member who is a representative of a natural gas  
1015 distribution system and who is actively engaged in the

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1016 distribution of natural gas in this state. The Florida Natural  
1017 Gas Association is encouraged to recommend a list of candidates  
1018 for consideration.

1019 (x) ~~(w)~~ One member who shall be the chair.

1020

1021 Any person serving on the commission under paragraph (c) or  
1022 paragraph (h) on October 1, 2003, and who has served less than  
1023 two full terms is eligible for reappointment to the commission  
1024 regardless of whether he or she meets the new qualification.

1025 Section 17. Subsection (18) is added to section 553.79,  
1026 Florida Statutes, to read:

1027 553.79 Permits; applications; issuance; inspections.—

1028 (18) For the purpose of inspection and record retention,  
1029 site plans for a building may be maintained in the form of an  
1030 electronic copy at the worksite. These plans must be open to  
1031 inspection by the building official or a duly authorized  
1032 representative, as required by the Florida Building Code.

1033 Section 18. Paragraph (a) of subsection (5) of section  
1034 553.842, Florida Statutes, is amended to read:

1035 553.842 Product evaluation and approval.—

1036 (5) Statewide approval of products, methods, or systems of  
1037 construction may be achieved by one of the following methods.  
1038 One of these methods must be used by the commission to approve  
1039 the following categories of products: panel walls, exterior  
1040 doors, roofing, skylights, windows, shutters, impact protective  
1041 systems, and structural components as established by the  
1042 commission by rule. A product may not be advertised, sold,  
1043 offered, provided, distributed, or marketed as hurricane,  
1044 windstorm, or impact protection from wind-borne debris from a

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1045 hurricane or windstorm unless it is approved pursuant to this  
1046 section or s. 553.8425. Any person who advertises, sells,  
1047 offers, provides, distributes, or markets a product as  
1048 hurricane, windstorm, or impact protection from wind-borne  
1049 debris without such approval is subject to the Florida Deceptive  
1050 and Unfair Trade Practices Act under part II of chapter 501  
1051 brought by the enforcing authority as defined in s. 501.203.

1052 (a) Products for which the code establishes standardized  
1053 testing or comparative or rational analysis methods shall be  
1054 approved by submittal and validation of one of the following  
1055 reports or listings indicating that the product or method or  
1056 system of construction was in compliance with the Florida  
1057 Building Code and that the product or method or system of  
1058 construction is, for the purpose intended, at least equivalent  
1059 to that required by the Florida Building Code:

- 1060 1. A certification mark or listing of an approved  
1061 certification agency, which may be used only for products for  
1062 which the code designates standardized testing;
- 1063 2. A test report from an approved testing laboratory;
- 1064 3. A product evaluation report based upon testing or  
1065 comparative or rational analysis, or a combination thereof, from  
1066 an approved product evaluation entity; or
- 1067 4. A product evaluation report based upon testing or  
1068 comparative or rational analysis, or a combination thereof,  
1069 developed and signed and sealed by a professional engineer or  
1070 architect, licensed in this state.

1071  
1072 A product evaluation report or a certification mark or listing  
1073 of an approved certification agency which demonstrates that the

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1074 product or method or system of construction complies with the  
1075 Florida Building Code for the purpose intended is equivalent to  
1076 a test report and test procedure referenced in the Florida  
1077 Building Code. An application for state approval of a product  
1078 under subparagraph 1. or 3. must be approved by the department  
1079 after the commission staff or a designee verifies that the  
1080 application and related documentation are complete. This  
1081 verification must be completed within 10 business days after  
1082 receipt of the application. Upon approval by the department, the  
1083 product shall be immediately added to the list of state-approved  
1084 products maintained under subsection (13). Approvals by the  
1085 department shall be reviewed and ratified by the commission's  
1086 program oversight committee except for a showing of good cause  
1087 that a review by the full commission is necessary. The  
1088 commission shall adopt rules providing means to cure  
1089 deficiencies identified within submittals for products approved  
1090 under this paragraph.

1091 Section 19. Section 553.901, Florida Statutes, is amended  
1092 to read:

1093 553.901 Purpose of thermal efficiency code.—The Department  
1094 of Business and Professional Regulation shall prepare a thermal  
1095 efficiency code to provide for a statewide uniform standard for  
1096 energy efficiency in the thermal design and operation of all  
1097 buildings statewide, consistent with energy conservation goals,  
1098 and to best provide for public safety, health, and general  
1099 welfare. The Florida Building Commission shall adopt the Florida  
1100 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~  
1101 ~~for Building Construction within the Florida Building Code~~, and  
1102 shall modify, revise, update, and maintain the code to implement

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1103 the provisions of this thermal efficiency code and amendments  
1104 thereto, in accordance with the procedures of chapter 120. The  
1105 department shall, at least triennially, determine the most cost-  
1106 effective energy-saving equipment and techniques available and  
1107 report its determinations to the commission, which shall update  
1108 the code to incorporate such equipment and techniques. The  
1109 proposed changes shall be made available for public review and  
1110 comment no later than 6 months before ~~prior to~~ code  
1111 implementation. The term "cost-effective," as used in ~~for the~~  
1112 ~~purposes of~~ this part, means ~~shall be construed to mean~~ cost-  
1113 effective to the consumer.

1114 Section 20. Section 553.902, Florida Statutes, is reordered  
1115 and amended to read:

1116 553.902 Definitions. As used in ~~For the purposes of~~ this  
1117 part, the term:

1118 (2) ~~(1)~~ "Exempted building" means:

1119 (a) A ~~Any~~ building or portion thereof whose peak design  
1120 rate of energy usage for all purposes is less than 1 watt (3.4  
1121 Btu per hour) per square foot of floor area for all purposes.

1122 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled  
1123 by a mechanical system designed to control or modify the indoor  
1124 temperature and powered by electricity or fossil fuels.

1125 (c) A ~~Any~~ building for which federal mandatory standards  
1126 preempt state energy codes.

1127 (d) A ~~Any~~ historical building as described in s.  
1128 267.021(3).

1129

1130 The Florida Building Commission may recommend to the Legislature  
1131 additional types of buildings which should be exempted from

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1132 compliance with the Florida Building Code-Energy Conservation  
1133 ~~Florida Energy Efficiency Code for Building Construction.~~

1134 (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and  
1135 air-conditioning.

1136 (6)~~(3)~~ "Renovated building" means a residential or  
1137 nonresidential building undergoing alteration that varies or  
1138 changes insulation, HVAC systems, water heating systems, or  
1139 exterior envelope conditions, if provided the estimated cost of  
1140 renovation exceeds 30 percent of the assessed value of the  
1141 structure.

1142 (5)~~(4)~~ "Local enforcement agency" means the agency of local  
1143 government which has the authority to make inspections of  
1144 buildings and to enforce the Florida Building Code. The term ~~it~~  
1145 includes any agency within the definition of s. 553.71(5).

1146 (3)~~(5)~~ "Exterior envelope physical characteristics" means  
1147 the physical nature of those elements of a building which  
1148 enclose conditioned spaces through which energy may be  
1149 transferred to or from the exterior.

1150 (1)~~(6)~~ "Energy performance level" means the indicator of  
1151 the energy-related performance of a building, including, but not  
1152 limited to, the levels of insulation, the amount and type of  
1153 glass, and the HVAC and water heating system efficiencies.

1154 Section 21. Section 553.903, Florida Statutes, is amended  
1155 to read:

1156 553.903 Applicability.—This part applies ~~shall apply~~ to all  
1157 new and renovated buildings in the state, except exempted  
1158 buildings, for which building permits are obtained after March  
1159 15, 1979, and to the installation or replacement of building  
1160 systems and components with new products for which thermal



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1161 efficiency standards are set by the Florida Building Code-Energy  
1162 Conservation ~~Florida Energy Efficiency Code for Building~~  
1163 ~~Construction~~. The provisions of this part shall constitute a  
1164 statewide uniform code.

1165 Section 22. Section 553.904, Florida Statutes, is amended  
1166 to read:

1167 553.904 Thermal efficiency standards for new nonresidential  
1168 buildings.—Thermal designs and operations for new nonresidential  
1169 buildings for which building permits are obtained after March  
1170 15, 1979, must ~~shall~~ at a minimum take into account exterior  
1171 envelope physical characteristics, including thermal mass; HVAC,  
1172 service water heating, energy distribution, lighting, energy  
1173 managing, and auxiliary systems design and selection; and HVAC,  
1174 service water heating, energy distribution, lighting, energy  
1175 managing, and auxiliary equipment performance, and are ~~shall~~ not  
1176 ~~be~~ required to meet standards more stringent than the provisions  
1177 of the Florida Building Code-Energy Conservation ~~Florida Energy~~  
1178 ~~Efficiency Code for Building Construction~~.

1179 Section 23. Section 553.905, Florida Statutes, is amended  
1180 to read:

1181 553.905 Thermal efficiency standards for new residential  
1182 buildings.—Thermal designs and operations for new residential  
1183 buildings for which building permits are obtained after March  
1184 15, 1979, must ~~shall~~ at a minimum take into account exterior  
1185 envelope physical characteristics, HVAC system selection and  
1186 configuration, HVAC equipment performance, and service water  
1187 heating design and equipment selection and are ~~shall~~ not ~~be~~  
1188 required to meet standards more stringent than the provisions of  
1189 the Florida Building Code-Energy Conservation ~~Florida Energy~~

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1190 ~~Efficiency Code for Building Construction.~~ HVAC equipment  
1191 mounted in an attic or a garage is ~~shall~~ not ~~be~~ required to have  
1192 supplemental insulation in addition to that installed by the  
1193 manufacturer. All new residential buildings, except those herein  
1194 exempted, must ~~shall~~ have insulation in ceilings rated at R-19  
1195 or more, space permitting. Thermal efficiency standards do not  
1196 apply to a building of less than 1,000 square feet which is not  
1197 primarily used as a principal residence and which is constructed  
1198 and owned by a natural person for hunting or similar  
1199 recreational purposes; however, ~~ne~~ such person may not build  
1200 more than one exempt building in any 12-month period.

1201 Section 24. Section 553.906, Florida Statutes, is amended  
1202 to read:

1203 553.906 Thermal efficiency standards for renovated  
1204 buildings.—Thermal designs and operations for renovated  
1205 buildings for which building permits are obtained after March  
1206 15, 1979, must ~~shall~~ take into account insulation; windows;  
1207 infiltration; and HVAC, service water heating, energy  
1208 distribution, lighting, energy managing, and auxiliary systems  
1209 design and equipment selection and performance. Such buildings  
1210 are ~~shall~~ not ~~be~~ required to meet standards more stringent than  
1211 the provisions of the Florida Building Code-Energy Conservation  
1212 ~~Florida Energy Efficiency Code for Building Construction~~. These  
1213 standards apply only to those portions of the structure which  
1214 are actually renovated.

1215 Section 25. Section 553.912, Florida Statutes, is amended  
1216 to read:

1217 553.912 Air conditioners.—All air conditioners that are  
1218 sold or installed in the state must ~~shall~~ meet the minimum

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1219 efficiency ratings of the Florida Building Code-Energy  
1220 Conservation Energy Efficiency Code for Building Construction.  
1221 These efficiency ratings must ~~shall~~ be minimums and may be  
1222 updated in the Florida Building Code-Energy Conservation Florida  
1223 Energy Efficiency Code for Building Construction by the  
1224 department in accordance with s. 553.901, following its  
1225 determination that more cost-effective energy-saving equipment  
1226 and techniques are available. It is the intent of the  
1227 Legislature that all replacement air-conditioning systems in  
1228 residential applications be installed using energy-saving,  
1229 quality installation procedures, including, but not limited to,  
1230 equipment sizing analysis and duct inspection. Notwithstanding  
1231 this section, existing heating and cooling equipment in  
1232 residential applications need not meet the minimum equipment  
1233 efficiencies, including system sizing and duct sealing.

1234 Section 26. Section 553.991, Florida Statutes, is amended  
1235 to read:

1236 553.991 Purpose.—The purpose of this part is to identify  
1237 systems ~~provide for a statewide uniform system~~ for rating the  
1238 energy efficiency of buildings. It is in the interest of the  
1239 state to encourage the consideration of ~~the~~ energy-efficiency  
1240 rating systems ~~system~~ in the market so as to provide market  
1241 rewards for energy-efficient buildings and to those persons or  
1242 companies designing, building, or selling energy-efficient  
1243 buildings.

1244 Section 27. Section 553.992, Florida Statutes, is repealed.

1245 Section 28. Section 553.993, Florida Statutes, is amended  
1246 to read:

1247 553.993 Definitions.—For purposes of this part:

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1248 (1) "Acquisition" means to gain the sole or partial use of  
1249 a building through a purchase agreement.

1250 (2) "Builder" means the primary contractor who possesses  
1251 the requisite skill, knowledge, and experience, and has the  
1252 responsibility, to supervise, direct, manage, and control the  
1253 contracting activities of the business organization with which  
1254 she or he is connected and who has the responsibility to  
1255 supervise, direct, manage, and control the construction work on  
1256 a job for which she or he has obtained the building permit.  
1257 Construction work includes, but is not limited to, foundation,  
1258 framing, wiring, plumbing, and finishing work.

1259 (3) "Building energy-efficiency rating system" means a  
1260 whole building energy evaluation system established by the  
1261 Residential Energy Services Network, the Commercial Energy  
1262 Services Network, the Building Performance Institute, or the  
1263 Florida Solar Energy Center.

1264 (4)~~(3)~~ "Designer" means the architect, engineer, landscape  
1265 architect, builder, interior designer, or other person who  
1266 performs the actual design work or under whose direct  
1267 supervision and responsible charge the construction documents  
1268 are prepared.

1269 (5) "Energy auditor" means a trained and certified  
1270 professional who conducts energy evaluations of an existing  
1271 building and uses tools to identify the building's current  
1272 energy usage and the condition of the building and equipment.

1273 (6) "Energy-efficiency rating" means an unbiased indication  
1274 of a building's relative energy efficiency based on consistent  
1275 inspection procedures, operating assumptions, climate data, and  
1276 calculation methods.

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1277       (7) "Energy rater" means an individual certified by a  
1278 building energy-efficiency rating system to perform building  
1279 energy-efficiency ratings for the building type and in the  
1280 rating class for which the rater is certified.

1281       (8)~~(4)~~ "New building" means commercial occupancy buildings  
1282 permitted for construction after January 1, 1995, and  
1283 residential occupancy buildings permitted for construction after  
1284 January 1, 1994.

1285       (9)~~(5)~~ "Public building" means a building comfort-  
1286 conditioned for occupancy that is owned or leased by the state,  
1287 a state agency, or a governmental subdivision, including, but  
1288 not limited to, a city, county, or school district.

1289       Section 29. Section 553.994, Florida Statutes, is amended  
1290 to read:

1291       553.994 Applicability.—Building energy-efficiency ~~The~~  
1292 rating systems ~~system shall~~ apply to all public, commercial, and  
1293 residential buildings in the state.

1294       Section 30. Section 553.995, Florida Statutes, is amended  
1295 to read:

1296       553.995 Energy-efficiency ratings for buildings.—

1297       (1) Building ~~The~~ energy-efficiency rating systems must,  
1298 ~~system shall~~ at a minimum:

1299       ~~(a) Provide a uniform rating scale of the efficiency of~~  
1300 ~~buildings based on annual energy usage.~~

1301       (a)~~(b)~~ Take into account local climate conditions,  
1302 construction practices, and building use.

1303       (b)~~(c)~~ Be compatible with standard federal rating systems  
1304 and state building codes and standards, where applicable, and  
1305 shall satisfy the requirements of s. 553.9085 with respect to

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1306 residential buildings and s. 255.256 with respect to state  
1307 buildings.

1308 ~~(c)(2) The energy-efficiency rating system adopted by the~~  
1309 ~~department shall~~ Provide a means of analyzing ~~and comparing~~ the  
1310 relative energy efficiency of buildings upon the sale of new or  
1311 existing residential, public, or commercial buildings.

1312 ~~(3) The department shall establish a voluntary working~~  
1313 ~~group of persons interested in the energy-efficiency rating~~  
1314 ~~system or energy efficiency, including, but not limited to, such~~  
1315 ~~persons as electrical engineers, mechanical engineers,~~  
1316 ~~architects, public utilities, and builders. The interest group~~  
1317 ~~shall advise the department in the development of the energy-~~  
1318 ~~efficiency rating system and shall assist the department in the~~  
1319 ~~implementation of the rating system by coordinating educational~~  
1320 ~~programs for designers, builders, businesses, and other~~  
1321 ~~interested persons to assist compliance and to facilitate~~  
1322 ~~incorporation of the rating system into existing practices.~~

1323 ~~(2)(a)(4) The department shall develop a training and~~  
1324 ~~certification program to certify raters. In addition to the~~  
1325 ~~department,~~ Ratings may be conducted by a any local government  
1326 or private entity if, ~~provided that~~ the appropriate persons have  
1327 completed the necessary training established by the applicable  
1328 building energy-efficiency rating system ~~and have been certified~~  
1329 ~~by the department.~~

1330 ~~(b) The Department of Management Services shall rate state-~~  
1331 ~~owned or state-leased buildings~~ if, ~~provided that~~ the  
1332 appropriate persons have completed the necessary training  
1333 established by the applicable building energy-efficiency rating  
1334 system ~~and have been certified by the Department of Business and~~

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1335 ~~Professional Regulation.~~

1336 (c) A state agency that ~~which~~ has building construction  
1337 regulation authority may rate its own buildings and those it is  
1338 responsible for, if the appropriate persons have completed the  
1339 necessary training established by the applicable building  
1340 energy-efficiency rating system ~~and have been certified by the~~  
1341 ~~Department of Business and Professional Regulation. The~~  
1342 ~~Department of Business and Professional Regulation may charge a~~  
1343 ~~fee not to exceed the costs for the training and certification~~  
1344 ~~of raters. The department shall by rule set the appropriate~~  
1345 ~~charges for raters to charge for energy ratings, not to exceed~~  
1346 ~~the actual costs.~~

1347 Section 31. Section 553.996, Florida Statutes, is amended  
1348 to read:

1349 553.996 Energy-efficiency information provided by building  
1350 energy-efficiency rating systems providers brochure.-A  
1351 prospective purchaser of real property with a building for  
1352 occupancy located thereon shall be provided ~~with a copy of an~~  
1353 ~~information brochure,~~ at the time of or before ~~prior to~~ the  
1354 purchaser's execution of the contract for sale and purchase  
1355 which notifies, ~~notifying~~ the purchaser of the option for an  
1356 energy-efficiency rating on the building. Building energy-  
1357 efficiency rating system providers identified in this part shall  
1358 prepare such information and make it available for distribution  
1359 ~~Such brochure shall be prepared, made available for~~  
1360 ~~distribution, and provided at no cost by the department. Such~~  
1361 ~~brochure shall contain~~ information relevant to that class of  
1362 building must include, ~~including,~~ but need not be limited to:

1363 (1) How to analyze the building's energy-efficiency rating.

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1364 (2) Comparisons to statewide averages for new and existing  
1365 construction of that class.

1366 (3) Information concerning methods to improve the  
1367 building's energy-efficiency rating.

1368 (4) A notice to residential purchasers that the energy-  
1369 efficiency rating may qualify the purchaser for an energy-  
1370 efficient mortgage from lending institutions.

1371 Section 32. Subsection (2) of section 553.997, Florida  
1372 Statutes, is amended to read:

1373 553.997 Public buildings.—

1374 (2) ~~The department, together with other~~ State agencies  
1375 having building construction and maintenance responsibilities,  
1376 shall make available energy-efficiency practices information to  
1377 be used by individuals involved in the design, construction,  
1378 retrofitting, and maintenance of buildings for state and local  
1379 governments.

1380 Section 33. Section 553.998, Florida Statutes, is amended  
1381 to read:

1382 553.998 Compliance.—All ratings must ~~shall~~ be determined  
1383 using tools and procedures developed by the systems recognized  
1384 under this part ~~adopted by the department by rule in accordance~~  
1385 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as  
1386 accurate and correct and in compliance with procedures of the  
1387 system under which the rater is certified ~~adopted by the~~  
1388 ~~department by rule in accordance with chapter 120.~~

1389 Section 34. Except as otherwise explicitly stated  
1390 elsewhere, this act shall take effect July 1, 2013.