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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/RE/3R

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04/30/2013 04:47 PM

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Senators Detert and Simpson moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

162.12 Notices.—

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

(a) Certified mail, return receipt requested, to the  
address listed in the tax collector's office for tax notices, or  
to the address listed in the county property appraiser's  
database. The local government may also provide an additional



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

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

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

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

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

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

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



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

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

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

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

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

67 255.20 Local bids and contracts for public construction  
68 works; specification of state-produced lumber.—

69 (3) (a) All county officials, boards of county  
70 commissioners, school boards, city councils, city commissioners,  
71 and all other public officers of state boards or commissions



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72 that are charged with the letting of contracts for public work,  
73 for the construction of public bridges, buildings, and other  
74 structures must specify in the contract lumber, timber, and  
75 other forest products produced and manufactured in this state,  
76 if wood is a component of the public work, and if such products  
77 are available and their price, fitness, and quality are equal.

78 (b) This subsection does not apply:

79 1. To plywood specified for monolithic concrete forms.

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

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

85 4. To transportation projects for which federal aid funds  
86 are available.

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

89 255.2575 Energy-efficient and sustainable buildings.-

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

100 (b) This subsection does not apply:



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101 1. To plywood specified for monolithic concrete forms.

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

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

107 4. To transportation projects for which federal aid funds  
108 are available.

109 Section 4. Paragraph (a) of subsection (4) of section  
110 255.257, Florida Statutes, is amended to read:

111 255.257 Energy management; buildings occupied by state  
112 agencies.—

113 (4) ADOPTION OF STANDARDS.—

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

118 Section 5. Paragraph (aa) of subsection (4) of section  
119 381.0065, Florida Statutes, is amended to read:

120 381.0065 Onsite sewage treatment and disposal systems;  
121 regulation.—

122 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
123 construct, repair, modify, abandon, or operate an onsite sewage  
124 treatment and disposal system without first obtaining a permit  
125 approved by the department. The department may issue permits to  
126 carry out this section, but shall not make the issuance of such  
127 permits contingent upon prior approval by the Department of  
128 Environmental Protection, except that the issuance of a permit  
129 for work seaward of the coastal construction control line



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130 established under s. 161.053 shall be contingent upon receipt of  
131 any required coastal construction control line permit from the  
132 Department of Environmental Protection. A construction permit is  
133 valid for 18 months from the issuance date and may be extended  
134 by the department for one 90-day period under rules adopted by  
135 the department. A repair permit is valid for 90 days from the  
136 date of issuance. An operating permit must be obtained prior to  
137 the use of any aerobic treatment unit or if the establishment  
138 generates commercial waste. Buildings or establishments that use  
139 an aerobic treatment unit or generate commercial waste shall be  
140 inspected by the department at least annually to assure  
141 compliance with the terms of the operating permit. The operating  
142 permit for a commercial wastewater system is valid for 1 year  
143 from the date of issuance and must be renewed annually. The  
144 operating permit for an aerobic treatment unit is valid for 2  
145 years from the date of issuance and must be renewed every 2  
146 years. If all information pertaining to the siting, location,  
147 and installation conditions or repair of an onsite sewage  
148 treatment and disposal system remains the same, a construction  
149 or repair permit for the onsite sewage treatment and disposal  
150 system may be transferred to another person, if the transferee  
151 files, within 60 days after the transfer of ownership, an  
152 amended application providing all corrected information and  
153 proof of ownership of the property. There is no fee associated  
154 with the processing of this supplemental information. A person  
155 may not contract to construct, modify, alter, repair, service,  
156 abandon, or maintain any portion of an onsite sewage treatment  
157 and disposal system without being registered under part III of  
158 chapter 489. A property owner who personally performs



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159 construction, maintenance, or repairs to a system serving his or  
160 her own owner-occupied single-family residence is exempt from  
161 registration requirements for performing such construction,  
162 maintenance, or repairs on that residence, but is subject to all  
163 permitting requirements. A municipality or political subdivision  
164 of the state may not issue a building or plumbing permit for any  
165 building that requires the use of an onsite sewage treatment and  
166 disposal system unless the owner or builder has received a  
167 construction permit for such system from the department. A  
168 building or structure may not be occupied and a municipality,  
169 political subdivision, or any state or federal agency may not  
170 authorize occupancy until the department approves the final  
171 installation of the onsite sewage treatment and disposal system.  
172 A municipality or political subdivision of the state may not  
173 approve any change in occupancy or tenancy of a building that  
174 uses an onsite sewage treatment and disposal system until the  
175 department has reviewed the use of the system with the proposed  
176 change, approved the change, and amended the operating permit.

177 (aa) An existing-system inspection or evaluation and  
178 assessment, or a modification, replacement, or upgrade of an  
179 onsite sewage treatment and disposal system is not required for  
180 a remodeling addition or modification to a single-family home if  
181 a bedroom is not added. However, a remodeling addition or  
182 modification to a single-family home may not cover any part of  
183 the existing system or encroach upon a required setback or the  
184 unobstructed area. To determine if a setback or the unobstructed  
185 area is impacted, the local health department shall review and  
186 verify a floor plan and site plan of the proposed remodeling  
187 addition or modification to the home submitted by a remodeler



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

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

202 489.103 Exemptions.— This part does not apply to:

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

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

210 489.105 Definitions.— As used in this part:

211 (3) "Contractor" means the person who is qualified for, and  
212 is only responsible for, the project contracted for and means,  
213 except as exempted in this part, the person who, for  
214 compensation, undertakes to, submits a bid to, or does himself  
215 or herself or by others construct, repair, alter, remodel, add  
216 to, demolish, maintain for purposes of water treatment, subtract





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217 from, or improve any building or structure, including related  
218 improvements to real estate, for others or for resale to others;  
219 and whose job scope is substantially similar to the job scope  
220 described in one of the paragraphs of this subsection. For the  
221 purposes of regulation under this part, the term "demolish"  
222 applies only to demolition of steel tanks more than 50 feet in  
223 height; towers more than 50 feet in height; other structures  
224 more than 50 feet in height; and all buildings or residences.  
225 For purposes of regulation under this part, the phrase "maintain  
226 for purposes of water treatment" applies only to cleaning,  
227 maintenance, and water treatment of swimming pools and spas.

228 Contractors are subdivided into two divisions, Division I,  
229 consisting of those contractors defined in paragraphs (a)-(c),  
230 and Division II, consisting of those contractors defined in  
231 paragraphs (d)-(q):

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

237 (b) "Building contractor" means a contractor whose services  
238 are limited to construction of commercial buildings and single-  
239 dwelling or multiple-dwelling residential buildings, which do  
240 not exceed three stories in height, and accessory use structures  
241 in connection therewith or a contractor whose services are  
242 limited to remodeling, repair, or improvement of any size  
243 building if the services do not affect the structural members of  
244 the building.

245 (c) "Residential contractor" means a contractor whose



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246 services are limited to construction, remodeling, repair, or  
247 improvement of one-family, two-family, or three-family  
248 residences not exceeding two habitable stories above no more  
249 than one uninhabitable story and accessory use structures in  
250 connection therewith.

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

264 (e) "Roofing contractor" means a contractor whose services  
265 are unlimited in the roofing trade and who has the experience,  
266 knowledge, and skill to install, maintain, repair, alter,  
267 extend, or design, if not prohibited by law, and use materials  
268 and items used in the installation, maintenance, extension, and  
269 alteration of all kinds of roofing, waterproofing, and coating,  
270 except when coating is not represented to protect, repair,  
271 waterproof, stop leaks, or extend the life of the roof. The  
272 scope of work of a roofing contractor also includes skylights  
273 and any related work, required roof-deck attachments, and any  
274 repair or replacement of wood roof sheathing or fascia as needed



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



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304 sanitary sewer lines; swimming pool piping and filters; or  
305 electrical power wiring. A Class A air-conditioning contractor  
306 may test and evaluate central air-conditioning, refrigeration,  
307 heating, and ventilating systems, including duct work; however,  
308 a mandatory licensing requirement is not established for the  
309 performance of these specific services.

310 (g) "Class B air-conditioning contractor" means a  
311 contractor whose services are limited to 25 tons of cooling and  
312 500,000 Btu of heating in any one system in the execution of  
313 contracts requiring the experience, knowledge, and skill to  
314 install, maintain, repair, fabricate, alter, extend, or design,  
315 if not prohibited by law, central air-conditioning,  
316 refrigeration, heating, and ventilating systems, including duct  
317 work in connection with a complete system only to the extent  
318 such duct work is performed by the contractor as necessary to  
319 complete an air-distribution system being installed under this  
320 classification, and any duct cleaning and equipment sanitizing  
321 that requires at least a partial disassembling of the system; to  
322 install, maintain, repair, fabricate, alter, extend, or design,  
323 if not prohibited by law, piping and insulation of pipes,  
324 vessels, and ducts; to replace, disconnect, or reconnect power  
325 wiring on the load side of the dedicated existing electrical  
326 disconnect switch; to install, disconnect, and reconnect low  
327 voltage heating, ventilating, and air-conditioning control  
328 wiring; and to install a condensate drain from an air-  
329 conditioning unit to an existing safe waste or other approved  
330 disposal other than a direct connection to a sanitary system.  
331 The scope of work for such contractor also includes any  
332 excavation work incidental thereto, but does not include any



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333 work such as liquefied petroleum or natural gas fuel lines  
334 within buildings, except for disconnecting or reconnecting  
335 changeouts of liquefied petroleum or natural gas appliances  
336 within buildings; potable water lines or connections thereto;  
337 sanitary sewer lines; swimming pool piping and filters; or  
338 electrical power wiring. A Class B air-conditioning contractor  
339 may test and evaluate central air-conditioning, refrigeration,  
340 heating, and ventilating systems, including duct work; however,  
341 a mandatory licensing requirement is not established for the  
342 performance of these specific services.

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

355 (i) "Mechanical contractor" means a contractor whose  
356 services are unlimited in the execution of contracts requiring  
357 the experience, knowledge, and skill to install, maintain,  
358 repair, fabricate, alter, extend, or design, if not prohibited  
359 by law, central air-conditioning, refrigeration, heating, and  
360 ventilating systems, including duct work in connection with a  
361 complete system if such duct work is performed by the contractor



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

390 (j) "Commercial pool/spa contractor" means a contractor



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

417 (k) "Residential pool/spa contractor" means a contractor  
418 whose scope of work involves, but is not limited to, the  
419 construction, repair, water treatment, maintenance, and



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

443 (1) "Swimming pool/spa servicing contractor" means a  
444 contractor whose scope of work involves, but is not limited to,  
445 the repair, water treatment, maintenance, and servicing of a  
446 swimming pool, or hot tub or spa, whether public or private, or  
447 otherwise, regardless of use. The scope of work includes the  
448 repair or replacement of existing equipment, any sanitation,





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

473 (m) "Plumbing contractor" means a contractor whose services  
474 are unlimited in the plumbing trade and includes contracting  
475 business consisting of the execution of contracts requiring the  
476 experience, financial means, knowledge, and skill to install,  
477 maintain, repair, alter, extend, or, if not prohibited by law,



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



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507 definition does not limit the scope of work of any specialty  
508 contractor certified pursuant to s. 489.113(6), and does not  
509 require certification or registration under this part of any  
510 authorized employee of a public natural gas utility or of a  
511 private natural gas utility regulated by the Public Service  
512 Commission when disconnecting and reconnecting water lines in  
513 the servicing or replacement of an existing water heater. A  
514 plumbing contractor may perform drain cleaning and clearing and  
515 install or repair rainwater catchment systems; however, a  
516 mandatory licensing requirement is not established for the  
517 performance of these specific services.

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



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

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

559 (p) "Pollutant storage systems contractor" means a  
560 contractor whose services are limited to, and who has the  
561 experience, knowledge, and skill to install, maintain, repair,  
562 alter, extend, or design, if not prohibited by law, and use  
563 materials and items used in the installation, maintenance,  
564 extension, and alteration of, pollutant storage tanks. Any



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565 person installing a pollutant storage tank shall perform such  
566 installation in accordance with the standards adopted pursuant  
567 to s. 376.303.

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

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

575 489.111 Licensure by examination.-

576 (2) A person shall be eligible for licensure by examination  
577 if the person:

578 (a) Is 18 years of age;

579 (b) Is of good moral character; and

580 (c) Meets eligibility requirements according to one of the  
581 following criteria:

582 1. Has received a baccalaureate degree from an accredited  
583 4-year college in the appropriate field of engineering,  
584 architecture, or building construction and has 1 year of proven  
585 experience in the category in which the person seeks to qualify.  
586 For the purpose of this part, a minimum of 2,000 person-hours  
587 shall be used in determining full-time equivalency.

588 2. Has a total of at least 4 years of active experience as  
589 a worker who has learned the trade by serving an apprenticeship  
590 as a skilled worker who is able to command the rate of a  
591 mechanic in the particular trade or as a foreman who is in  
592 charge of a group of workers and usually is responsible to a  
593 superintendent or a contractor or his or her equivalent,



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594 provided, however, that at least 1 year of active experience  
595 shall be as a foreman.

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

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

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

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

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



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623 she is certified.

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

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

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

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

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

649       d. An applicant is eligible to take the swimming pool/spa  
650 servicing contractors' examination if he or she has  
651 satisfactorily completed 60 hours of instruction in courses and



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652 20 hours of field hands-on instruction related to the scope of  
653 work covered by that license and approved by the Construction  
654 Industry Licensing Board by rule ~~and has at least 1 year of~~  
655 ~~proven experience related to the scope of work of such a~~  
656 ~~contractor.~~

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

662 Section 10. Paragraphs (c) and (f) of subsection (5) and  
663 subsection (6) of section 489.127, Florida Statutes, are amended  
664 to read:

665 489.127 Prohibitions; penalties.—

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

673 (c) The local governing body of the county or municipality  
674 ~~may is authorized to~~ enforce codes and ordinances against  
675 unlicensed contractors under the provisions of this subsection  
676 and may enact an ordinance establishing procedures for  
677 implementing this subsection, including a schedule of penalties  
678 to be assessed by the code enforcement officer. The maximum  
679 civil penalty which may be levied ~~may shall~~ not exceed \$2,000  
680 ~~\$500~~. Moneys collected pursuant to this subsection shall be





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681 retained locally, as provided for by local ordinance, and may be  
682 set aside in a specific fund to support future enforcement  
683 activities against unlicensed contractors.

684 (f) If the enforcement or licensing board or designated  
685 special magistrate finds that a violation exists, the  
686 enforcement or licensing board or designated special magistrate  
687 may order the violator to pay a civil penalty of not less than  
688 the amount set forth on the citation but not more than \$2,500  
689 ~~\$1,000~~ per day for each violation. In determining the amount of  
690 the penalty, the enforcement or licensing board or designated  
691 special magistrate shall consider the following factors:

692 1. The gravity of the violation.

693 2. Any actions taken by the violator to correct the  
694 violation.

695 3. Any previous violations committed by the violator.

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

703 Section 11. Paragraph (a) of subsection (7) of section  
704 489.131, Florida Statutes, is amended to read:

705 489.131 Applicability.—

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



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

733 Section 12. Section 489.514, Florida Statutes, is amended  
734 to read:

735 489.514 Certification for registered contractors;  
736 grandfathering provisions.—

737 (1) The board shall, upon receipt of a completed  
738 application, appropriate fee, and proof of compliance with the



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739 provisions of this section, issue:

740 (a) To an applying registered electrical contractor, a  
741 certificate as an electrical contractor, as defined in s.  
742 489.505(12); ~~or~~

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

746 (c) To an applying registered electrical specialty  
747 contractor, a certificate in the matching electrical specialty  
748 contractor category, as defined in s. 489.505(19).

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

752 (a) Currently holds a valid registered local license in the  
753 category of electrical contractor, alarm system contractor, or  
754 electrical specialty contractor.

755 (b) Has, for that category, passed a written, proctored  
756 examination that the board finds to be substantially similar to  
757 the examination required to be licensed as a certified  
758 contractor under this part. For purposes of this subsection, a  
759 written, proctored examination such as that produced by the  
760 National Assessment Institute, Block and Associates, NAI/Block,  
761 Experior Assessments, Professional Testing, Inc., or Assessment  
762 Systems, Inc., shall be considered to be substantially similar  
763 to the examination required to be licensed as a certified  
764 contractor. The board may not impose or make any requirements  
765 regarding the nature or content of these cited examinations.

766 (c) Has at least 5 years of experience as a contractor in  
767 that contracting category, or as an inspector or building



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768 administrator with oversight over that category, at the time of  
769 application. For contractors, only time periods in which the  
770 contractor license is active and the contractor is not on  
771 probation shall count toward the 5 years required under this  
772 subsection.

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

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

779 (3) An applicant must make application by November 1, 2015  
780 ~~2004~~, to be licensed pursuant to this section.

781 Section 13. Paragraph (c) and (f) of subsection (4) of  
782 section 489.531, Florida Statutes, are amended to read:

783 489.531 Prohibitions; penalties.—

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

790 (c) The local governing body of the county or municipality  
791 may ~~is authorized to~~ enforce codes and ordinances against  
792 unlicensed contractors under the provisions of this section and  
793 may enact an ordinance establishing procedures for implementing  
794 this section, including a schedule of penalties to be assessed  
795 by the code enforcement officers. The maximum civil penalty  
796 which may be levied may ~~shall~~ not exceed \$2,000 ~~\$500~~. Moneys



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797 collected pursuant to this section shall be retained locally as  
798 provided for by local ordinance and may be set aside in a  
799 specific fund to support future enforcement activities against  
800 unlicensed contractors.

801 (f) If the enforcement or licensing board or designated  
802 special magistrate finds that a violation exists, the  
803 enforcement or licensing board or designated special magistrate  
804 may order the violator to pay a civil penalty of not less than  
805 the amount set forth on the citation but not more than \$2,500  
806 ~~\$500~~ per day for each violation. In determining the amount of  
807 the penalty, the enforcement or licensing board or designated  
808 special magistrate shall consider the following factors:

809 1. The gravity of the violation.

810 2. Any actions taken by the violator to correct the  
811 violation.

812 3. Any previous violations committed by the violator.

813 Section 14. Present subsections (6) through (11) of section  
814 553.71, Florida Statutes, are redesignated as subsections (7)  
815 through (12), respectively, and a new subsection (6) is added to  
816 that section, to read:

817 553.71 Definitions.—As used in this part, the term:

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

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

823 553.73 Florida Building Code.—

824 (17) A provision ~~The provisions of section R313 of the most~~  
825 ~~current version~~ of the International Residential Code relating



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826 to mandated fire sprinklers may not be incorporated into the  
827 Florida Building Code as adopted by the Florida Building  
828 Commission and may not be adopted as a local amendment to the  
829 Florida Building Code. This subsection does not prohibit the  
830 application of cost-saving incentives for residential fire  
831 sprinklers that are authorized in the International Residential  
832 Code upon a mutual agreement between the builder and the code  
833 official. This subsection does not apply to a local government  
834 that has a lawfully adopted ordinance relating to fire  
835 sprinklers which has been in effect since January 1, 2010.

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

838 553.74 Florida Building Commission.—

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

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

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

853 (c) One air-conditioning or mechanical contractor certified  
854 to do business in this state and actively engaged in the



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855 profession. The Florida Air Conditioning Contractors  
856 Association, the Florida Refrigeration and Air Conditioning  
857 Contractors Association, and the Mechanical Contractors  
858 Association of Florida are encouraged to recommend a list of  
859 candidates for consideration.

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

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

870 (f) One general contractor certified to do business in this  
871 state and actively engaged in the profession. The Associated  
872 Builders and Contractors of Florida, the Florida Associated  
873 General Contractors Council, and the Union Contractors  
874 Association are encouraged to recommend a list of candidates for  
875 consideration.

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

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



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884 Contractors National Association are encouraged to recommend a  
885 list of candidates for consideration.

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

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

895 (k) One member who represents the Department of Financial  
896 Services.

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

900 (m) One member of a Florida-based organization of persons  
901 with disabilities or a nationally chartered organization of  
902 persons with disabilities with chapters in this state.

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

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

911 (p) One member who is a representative of a municipality or  
912 a charter county. The Florida League of Cities and the Florida





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913 Association of Counties are encouraged to recommend a list of  
914 candidates for consideration.

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

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

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

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

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

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



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

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

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

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

955           553.79 Permits; applications; issuance; inspections.—

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

961           Section 18. Paragraph (a) of subsection (5) of section  
962 553.842, Florida Statutes, is amended to read:

963           553.842 Product evaluation and approval.—

964           (5) Statewide approval of products, methods, or systems of  
965 construction may be achieved by one of the following methods.  
966 One of these methods must be used by the commission to approve  
967 the following categories of products: panel walls, exterior  
968 doors, roofing, skylights, windows, shutters, impact protective  
969 systems, and structural components as established by the  
970 commission by rule. A product may not be advertised, sold,



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971 offered, provided, distributed, or marketed as hurricane,  
972 windstorm, or impact protection from wind-borne debris from a  
973 hurricane or windstorm unless it is approved pursuant to this  
974 section or s. 553.8425. Any person who advertises, sells,  
975 offers, provides, distributes, or markets a product as  
976 hurricane, windstorm, or impact protection from wind-borne  
977 debris without such approval is subject to the Florida Deceptive  
978 and Unfair Trade Practices Act under part II of chapter 501  
979 brought by the enforcing authority as defined in s. 501.203.

980 (a) Products for which the code establishes standardized  
981 testing or comparative or rational analysis methods shall be  
982 approved by submittal and validation of one of the following  
983 reports or listings indicating that the product or method or  
984 system of construction was in compliance with the Florida  
985 Building Code and that the product or method or system of  
986 construction is, for the purpose intended, at least equivalent  
987 to that required by the Florida Building Code:

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

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

992 3. A product evaluation report based upon testing or  
993 comparative or rational analysis, or a combination thereof, from  
994 an approved product evaluation entity; or

995 4. A product evaluation report based upon testing or  
996 comparative or rational analysis, or a combination thereof,  
997 developed and signed and sealed by a professional engineer or  
998 architect, licensed in this state.

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1000           A product evaluation report or a certification mark or  
1001 listing of an approved certification agency which demonstrates  
1002 that the product or method or system of construction complies  
1003 with the Florida Building Code for the purpose intended is  
1004 equivalent to a test report and test procedure referenced in the  
1005 Florida Building Code. An application for state approval of a  
1006 product under subparagraph 1. or 3. must be approved by the  
1007 department after the commission staff or a designee verifies  
1008 that the application and related documentation are complete.  
1009 This verification must be completed within 10 business days  
1010 after receipt of the application. Upon approval by the  
1011 department, the product shall be immediately added to the list  
1012 of state-approved products maintained under subsection (13).  
1013 Approvals by the department shall be reviewed and ratified by  
1014 the commission's program oversight committee except for a  
1015 showing of good cause that a review by the full commission is  
1016 necessary. The commission shall adopt rules providing means to  
1017 cure deficiencies identified within submittals for products  
1018 approved under this paragraph.

1019           Section 19. Section 553.901, Florida Statutes, is amended  
1020 to read:

1021           553.901 Purpose of thermal efficiency code.—The Department  
1022 of Business and Professional Regulation shall prepare a thermal  
1023 efficiency code to provide for a statewide uniform standard for  
1024 energy efficiency in the thermal design and operation of all  
1025 buildings statewide, consistent with energy conservation goals,  
1026 and to best provide for public safety, health, and general  
1027 welfare. The Florida Building Commission shall adopt the Florida  
1028 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~



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1029 ~~for Building Construction within the Florida Building Code, and~~  
1030 shall modify, revise, update, and maintain the code to implement  
1031 the provisions of this thermal efficiency code and amendments  
1032 thereto, in accordance with the procedures of chapter 120. The  
1033 department shall, at least triennially, determine the most cost-  
1034 effective energy-saving equipment and techniques available and  
1035 report its determinations to the commission, which shall update  
1036 the code to incorporate such equipment and techniques. The  
1037 proposed changes shall be made available for public review and  
1038 comment no later than 6 months before ~~prior to~~ code  
1039 implementation. The term "cost-effective," as used in ~~for the~~  
1040 ~~purposes of~~ this part, means ~~shall be construed to mean~~ cost-  
1041 effective to the consumer.

1042 Section 20. Section 553.902, Florida Statutes, is reordered  
1043 and amended to read:

1044 553.902 Definitions.—As used in ~~For the purposes of~~ this  
1045 part, the term:

1046 (2) ~~(1)~~ "Exempted building" means:

1047 (a) A ~~Any~~ building or portion thereof whose peak design  
1048 rate of energy usage for all purposes is less than 1 watt (3.4  
1049 Btu per hour) per square foot of floor area for all purposes.

1050 (b) A ~~Any~~ building that ~~which~~ is neither heated nor cooled  
1051 by a mechanical system designed to control or modify the indoor  
1052 temperature and powered by electricity or fossil fuels.

1053 (c) A ~~Any~~ building for which federal mandatory standards  
1054 preempt state energy codes.

1055 (d) A ~~Any~~ historical building as described in s.  
1056 267.021(3).

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1058           The Florida Building Commission may recommend to the  
1059 Legislature additional types of buildings which should be  
1060 exempted from compliance with the Florida Building Code-Energy  
1061 Conservation ~~Florida Energy Efficiency Code for Building~~  
1062 ~~Construction~~.

1063           (4)~~(2)~~ "HVAC" means a system of heating, ventilating, and  
1064 air-conditioning.

1065           (6)~~(3)~~ "Renovated building" means a residential or  
1066 nonresidential building undergoing alteration that varies or  
1067 changes insulation, HVAC systems, water heating systems, or  
1068 exterior envelope conditions, if provided ~~if provided~~ the estimated cost of  
1069 renovation exceeds 30 percent of the assessed value of the  
1070 structure.

1071           (5)~~(4)~~ "Local enforcement agency" means the agency of local  
1072 government which has the authority to make inspections of  
1073 buildings and to enforce the Florida Building Code. The term ~~It~~  
1074 includes any agency within the definition of s. 553.71(5).

1075           (3)~~(5)~~ "Exterior envelope physical characteristics" means  
1076 the physical nature of those elements of a building which  
1077 enclose conditioned spaces through which energy may be  
1078 transferred to or from the exterior.

1079           (1)~~(6)~~ "Energy performance level" means the indicator of  
1080 the energy-related performance of a building, including, but not  
1081 limited to, the levels of insulation, the amount and type of  
1082 glass, and the HVAC and water heating system efficiencies.

1083           Section 21. Section 553.903, Florida Statutes, is amended  
1084 to read:

1085           553.903 Applicability.—This part applies ~~shall apply~~ to all  
1086 new and renovated buildings in the state, except exempted



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1087 buildings, for which building permits are obtained after March  
1088 15, 1979, and to the installation or replacement of building  
1089 systems and components with new products for which thermal  
1090 efficiency standards are set by the Florida Building Code-Energy  
1091 Conservation ~~Florida Energy Efficiency Code for Building~~  
1092 ~~Construction~~. The provisions of this part shall constitute a  
1093 statewide uniform code.

1094 Section 22. Section 553.904, Florida Statutes, is amended  
1095 to read:

1096 553.904 Thermal efficiency standards for new nonresidential  
1097 buildings.—Thermal designs and operations for new nonresidential  
1098 buildings for which building permits are obtained after March  
1099 15, 1979, must ~~shall~~ at a minimum take into account exterior  
1100 envelope physical characteristics, including thermal mass; HVAC,  
1101 service water heating, energy distribution, lighting, energy  
1102 managing, and auxiliary systems design and selection; and HVAC,  
1103 service water heating, energy distribution, lighting, energy  
1104 managing, and auxiliary equipment performance, and are ~~shall~~ not  
1105 ~~be~~ required to meet standards more stringent than the provisions  
1106 of the Florida Building Code-Energy Conservation ~~Florida Energy~~  
1107 ~~Efficiency Code for Building Construction~~.

1108 Section 23. Section 553.905, Florida Statutes, is amended  
1109 to read:

1110 553.905 Thermal efficiency standards for new residential  
1111 buildings.—Thermal designs and operations for new residential  
1112 buildings for which building permits are obtained after March  
1113 15, 1979, must ~~shall~~ at a minimum take into account exterior  
1114 envelope physical characteristics, HVAC system selection and  
1115 configuration, HVAC equipment performance, and service water



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1116 heating design and equipment selection and are ~~shall~~ not ~~be~~  
1117 required to meet standards more stringent than the provisions of  
1118 the Florida Building Code-Energy Conservation ~~Florida Energy~~  
1119 ~~Efficiency Code for Building Construction~~. HVAC equipment  
1120 mounted in an attic or a garage is ~~shall~~ not ~~be~~ required to have  
1121 supplemental insulation in addition to that installed by the  
1122 manufacturer. All new residential buildings, except those herein  
1123 exempted, must ~~shall~~ have insulation in ceilings rated at R-19  
1124 or more, space permitting. Thermal efficiency standards do not  
1125 apply to a building of less than 1,000 square feet which is not  
1126 primarily used as a principal residence and which is constructed  
1127 and owned by a natural person for hunting or similar  
1128 recreational purposes; however, ~~no~~ such person may not build  
1129 more than one exempt building in any 12-month period.

1130 Section 24. Section 553.906, Florida Statutes, is amended  
1131 to read:

1132 553.906 Thermal efficiency standards for renovated  
1133 buildings.—Thermal designs and operations for renovated  
1134 buildings for which building permits are obtained after March  
1135 15, 1979, must ~~shall~~ take into account insulation; windows;  
1136 infiltration; and HVAC, service water heating, energy  
1137 distribution, lighting, energy managing, and auxiliary systems  
1138 design and equipment selection and performance. Such buildings  
1139 are ~~shall~~ not ~~be~~ required to meet standards more stringent than  
1140 the provisions of the Florida Building Code-Energy Conservation  
1141 ~~Florida Energy Efficiency Code for Building Construction~~. These  
1142 standards apply only to those portions of the structure which  
1143 are actually renovated.

1144 Section 25. Section 553.912, Florida Statutes, is amended





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1145 to read:

1146           553.912 Air conditioners.—All air conditioners that are  
1147 sold or installed in the state must ~~shall~~ meet the minimum  
1148 efficiency ratings of the Florida Building Code-Energy  
1149 Conservation ~~Energy Efficiency Code for Building Construction~~.  
1150 These efficiency ratings must ~~shall~~ be minimums and may be  
1151 updated in the Florida Building Code-Energy Conservation ~~Florida~~  
1152 ~~Energy Efficiency Code for Building Construction~~ by the  
1153 department in accordance with s. 553.901, following its  
1154 determination that more cost-effective energy-saving equipment  
1155 and techniques are available. It is the intent of the  
1156 Legislature that all replacement air-conditioning systems in  
1157 residential applications be installed using energy-saving,  
1158 quality installation procedures, including, but not limited to,  
1159 equipment sizing analysis and duct inspection. Notwithstanding  
1160 this section, existing heating and cooling equipment in  
1161 residential applications need not meet the minimum equipment  
1162 efficiencies, including system sizing and duct sealing.

1163           Section 26. Section 553.991, Florida Statutes, is amended  
1164 to read:

1165           553.991 Purpose.—The purpose of this part is to identify  
1166 systems ~~provide for a statewide uniform system~~ for rating the  
1167 energy efficiency of buildings. It is in the interest of the  
1168 state to encourage the consideration of ~~the~~ energy-efficiency  
1169 rating systems ~~system~~ in the market so as to provide market  
1170 rewards for energy-efficient buildings and to those persons or  
1171 companies designing, building, or selling energy-efficient  
1172 buildings.

1173           Section 27. Section 553.992, Florida Statutes, is repealed.



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1174 Section 28. Section 553.993, Florida Statutes, is amended  
1175 to read:

1176 553.993 Definitions.—For purposes of this part:

1177 (1) "Acquisition" means to gain the sole or partial use of  
1178 a building through a purchase agreement.

1179 (2) "Builder" means the primary contractor who possesses  
1180 the requisite skill, knowledge, and experience, and has the  
1181 responsibility, to supervise, direct, manage, and control the  
1182 contracting activities of the business organization with which  
1183 she or he is connected and who has the responsibility to  
1184 supervise, direct, manage, and control the construction work on  
1185 a job for which she or he has obtained the building permit.  
1186 Construction work includes, but is not limited to, foundation,  
1187 framing, wiring, plumbing, and finishing work.

1188 (3) "Building energy-efficiency rating system" means a  
1189 whole building energy evaluation system established by the  
1190 Residential Energy Services Network, the Commercial Energy  
1191 Services Network, the Building Performance Institute, or the  
1192 Florida Solar Energy Center.

1193 (4)~~(3)~~ "Designer" means the architect, engineer, landscape  
1194 architect, builder, interior designer, or other person who  
1195 performs the actual design work or under whose direct  
1196 supervision and responsible charge the construction documents  
1197 are prepared.

1198 (5) "Energy auditor" means a trained and certified  
1199 professional who conducts energy evaluations of an existing  
1200 building and uses tools to identify the building's current  
1201 energy usage and the condition of the building and equipment.

1202 (6) "Energy-efficiency rating" means an unbiased indication



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1203 of a building's relative energy efficiency based on consistent  
1204 inspection procedures, operating assumptions, climate data, and  
1205 calculation methods.

1206 (7) "Energy rater" means an individual certified by a  
1207 building energy-efficiency rating system to perform building  
1208 energy-efficiency ratings for the building type and in the  
1209 rating class for which the rater is certified.

1210 (8)~~(4)~~ "New building" means commercial occupancy buildings  
1211 permitted for construction after January 1, 1995, and  
1212 residential occupancy buildings permitted for construction after  
1213 January 1, 1994.

1214 (9)~~(5)~~ "Public building" means a building comfort-  
1215 conditioned for occupancy that is owned or leased by the state,  
1216 a state agency, or a governmental subdivision, including, but  
1217 not limited to, a city, county, or school district.

1218 Section 29. Section 553.994, Florida Statutes, is amended  
1219 to read:

1220 553.994 Applicability.~~Building energy-efficiency~~ The  
1221 rating systems system shall apply to all public, commercial, and  
1222 residential buildings in the state.

1223 Section 30. Section 553.995, Florida Statutes, is amended  
1224 to read:

1225 553.995 Energy-efficiency ratings for buildings.-

1226 (1) Building ~~The~~ energy-efficiency rating systems must,  
1227 ~~system shall~~ at a minimum:

1228 ~~(a) Provide a uniform rating scale of the efficiency of~~  
1229 ~~buildings based on annual energy usage.~~

1230 (a)~~(b)~~ Take into account local climate conditions,  
1231 construction practices, and building use.



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1232            ~~(b)(e)~~ Be compatible with standard federal rating systems  
1233 and state building codes and standards, where applicable, and  
1234 shall satisfy the requirements of s. 553.9085 with respect to  
1235 residential buildings and s. 255.256 with respect to state  
1236 buildings.

1237            ~~(c)(2)~~ ~~The energy-efficiency rating system adopted by the~~  
1238 ~~department shall~~ Provide a means of analyzing and comparing the  
1239 relative energy efficiency of buildings upon the sale of new or  
1240 existing residential, public, or commercial buildings.

1241            ~~(3)~~ ~~The department shall establish a voluntary working~~  
1242 ~~group of persons interested in the energy-efficiency rating~~  
1243 ~~system or energy efficiency, including, but not limited to, such~~  
1244 ~~persons as electrical engineers, mechanical engineers,~~  
1245 ~~architects, public utilities, and builders. The interest group~~  
1246 ~~shall advise the department in the development of the energy-~~  
1247 ~~efficiency rating system and shall assist the department in the~~  
1248 ~~implementation of the rating system by coordinating educational~~  
1249 ~~programs for designers, builders, businesses, and other~~  
1250 ~~interested persons to assist compliance and to facilitate~~  
1251 ~~incorporation of the rating system into existing practices.~~

1252            ~~(2)(a)(4)~~ ~~The department shall develop a training and~~  
1253 ~~certification program to certify raters. In addition to the~~  
1254 ~~department,~~ Ratings may be conducted by a any local government  
1255 or private entity if, ~~provided that~~ the appropriate persons have  
1256 completed the necessary training established by the applicable  
1257 building energy-efficiency rating system ~~and have been certified~~  
1258 ~~by the department.~~

1259            ~~(b)~~ The Department of Management Services shall rate state-  
1260 owned or state-leased buildings if, ~~provided that~~ the



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1261 appropriate persons have completed the necessary training  
1262 established by the applicable building energy-efficiency rating  
1263 system and have been certified by the Department of Business and  
1264 Professional Regulation.

1265 (c) A state agency that ~~which~~ has building construction  
1266 regulation authority may rate its own buildings and those it is  
1267 responsible for, if the appropriate persons have completed the  
1268 necessary training established by the applicable building  
1269 energy-efficiency rating system and have been certified by the  
1270 Department of Business and Professional Regulation. The  
1271 Department of Business and Professional Regulation may charge a  
1272 fee not to exceed the costs for the training and certification  
1273 of raters. The department shall by rule set the appropriate  
1274 charges for raters to charge for energy ratings, not to exceed  
1275 the actual costs.

1276 Section 31. Section 553.996, Florida Statutes, is amended  
1277 to read:

1278 553.996 Energy-efficiency information provided by building  
1279 energy-efficiency rating systems providers brochure.—A  
1280 prospective purchaser of real property with a building for  
1281 occupancy located thereon shall be provided ~~with a copy of an~~  
1282 information ~~brochure~~, at the time of or before ~~prior to~~ the  
1283 purchaser's execution of the contract for sale and purchase  
1284 which notifies, notifying the purchaser of the option for an  
1285 energy-efficiency rating on the building. Building energy-  
1286 efficiency rating system providers identified in this part shall  
1287 prepare such information and make it available for distribution  
1288 ~~Such brochure shall be prepared, made available for~~  
1289 ~~distribution, and provided at no cost by the department.~~ Such



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1290 ~~brochure shall contain~~ information relevant to that class of  
1291 building must include, ~~including~~, but need not be limited to:

1292 (1) How to analyze the building's energy-efficiency rating.

1293 (2) Comparisons to statewide averages for new and existing  
1294 construction of that class.

1295 (3) Information concerning methods to improve the  
1296 building's energy-efficiency rating.

1297 (4) A notice to residential purchasers that the energy-  
1298 efficiency rating may qualify the purchaser for an energy-  
1299 efficient mortgage from lending institutions.

1300 Section 32. Subsection (2) of section 553.997, Florida  
1301 Statutes, is amended to read:

1302 553.997 Public buildings.—

1303 (2) ~~The department, together with other~~ State agencies  
1304 having building construction and maintenance responsibilities,  
1305 shall make available energy-efficiency practices information to  
1306 be used by individuals involved in the design, construction,  
1307 retrofitting, and maintenance of buildings for state and local  
1308 governments.

1309 Section 33. Section 553.998, Florida Statutes, is amended  
1310 to read:

1311 553.998 Compliance.—All ratings must ~~shall~~ be determined  
1312 using tools and procedures developed by the systems recognized  
1313 under this part ~~adopted by the department by rule in accordance~~  
1314 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as  
1315 accurate and correct and in compliance with procedures of the  
1316 system under which the rater is certified ~~adopted by the~~  
1317 ~~department by rule in accordance with chapter 120.~~

1318 Section 34. Except as otherwise explicitly stated



1319 elsewhere, this act shall take effect July 1, 2013.

1320

1321

1322 ===== T I T L E   A M E N D M E N T =====

1323 And the title is amended as follows:

1324       Delete everything before the enacting clause

1325 and insert:

1326                               A bill to be entitled

1327       An act relating to building construction; amending s.

1328       162.12, F.S.; revising notice requirements in the

1329       Local Government Code Enforcement Boards Act;

1330       amending ss. 255.20 and 255.2575, F.S.; requiring

1331       governmental entities to specify certain products

1332       associated with public works projects; providing for

1333       applicability; amending s. 255.257, F.S.; requiring

1334       state agencies to use certain building rating systems

1335       and building codes for each new construction and

1336       renovation project; amending s. 381.0065, F.S.;

1337       specifying that certain actions relating to onsite

1338       sewage treatment and removal are not required if a

1339       bedroom is not added during a remodeling addition or

1340       modification to a single-family home; prohibiting a

1341       remodeling addition or modification from certain

1342       coverage or encroachment; authorizing a local health

1343       board to review specific plans; requiring a review to

1344       be completed within a specific time period after

1345       receipt of specific plans; amending s. 489.103, F.S.;

1346       providing for additional exemptions; amending s.

1347       489.105, F.S.; revising definitions; amending s.



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1348 489.111, F.S.; revising eligibility criteria to take  
1349 the swimming pool/spa examination; providing that  
1350 amendments to s. 489.113(2), F.S., enacted in s. 11,  
1351 ch. 2012-13, Laws of Florida, are remedial and  
1352 intended to clarify existing law; providing for  
1353 retroactivity; amending s. 489.127, F.S.; revising  
1354 civil penalties; authorizing a local building  
1355 department to retain 75 percent of certain fines  
1356 collected if it transmits 25 percent to the Department  
1357 of Business and Professional Regulation; amending s.  
1358 489.131, F.S.; deleting legislative intent referring  
1359 to a local agency's enforcement of regulatory laws;  
1360 deleting the definitions of "minor violation" and  
1361 "notice of noncompliance"; deleting provisions that  
1362 provide for what a notice of noncompliance should or  
1363 should not include; deleting a provision that provides  
1364 for further disciplinary proceedings for certain  
1365 licensees; amending s. 489.514, F.S.; extending the  
1366 date by which an applicant must make application for a  
1367 license to be grandfathered; amending s. 489.531,  
1368 F.S.; revising maximum civil penalties for specified  
1369 violations; amending s. 553.71, F.S.; providing a  
1370 definition for the term "local technical amendment";  
1371 amending s. 553.73, F.S.; prohibiting any provision of  
1372 the International Residential Code relating to  
1373 mandated fire sprinklers from incorporation into the  
1374 Florida Building Code; amending s. 553.74, F.S.;;  
1375 revising membership of the Florida Building  
1376 Commission; amending s. 553.79, F.S.; authorizing a





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1377 site plan to be maintained at the worksite as an  
1378 electronic copy; requiring the copy to be open to  
1379 inspection by certain officials; amending s. 553.842,  
1380 F.S.; requiring an application for state approval of a  
1381 certain product to be approved by the department after  
1382 the application and related documentation are  
1383 complete; amending ss. 553.901, 553.902, 553.903,  
1384 553.904, 553.905, and 553.906, F.S.; requiring the  
1385 Florida Building Commission to adopt the Florida  
1386 Building Code-Energy Conservation; conforming  
1387 subsequent sections of the thermal efficiency code;  
1388 amending s. 553.912, F.S.; requiring replacement air  
1389 conditioning systems in residential applications to  
1390 use energy-saving quality installation procedures;  
1391 providing that certain existing heating and cooling  
1392 equipment is not required to meet the minimum  
1393 equipment efficiencies; amending s. 553.991, F.S.;  
1394 revising the purpose of the Florida Building Energy-  
1395 Efficiency Rating Act; repealing s. 553.992, F.S.,  
1396 relating to the adoption of a rating system; amending  
1397 s. 553.993, F.S.; providing definitions; amending s.  
1398 553.994, F.S.; providing for the applicability of  
1399 building energy-efficiency rating systems; amending s.  
1400 553.995, F.S.; deleting a minimum requirement for the  
1401 building energy-efficiency rating systems; revising  
1402 language; deleting provisions relating to a certain  
1403 interest group; deleting provisions relating to the  
1404 Department of Business and Professional Regulation;  
1405 amending s. 553.996, F.S.; requiring building energy-



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1406 efficiency rating system providers to provide certain  
1407 information; amending s. 553.997, F.S.; deleting a  
1408 provision relating to the department; amending s.  
1409 553.998, F.S.; revising provisions relating to rating  
1410 compliance; providing effective dates. providing an  
1411 effective date.