

1                                   A bill to be entitled  
 2           An act relating to building construction regulations  
 3           and system warranties; amending s. 489.105, F.S.;  
 4           revising definitions; amending s. 553.775, F.S.;  
 5           authorizing prevailing parties in proceedings on  
 6           interpretations of the Florida Building Code and the  
 7           Florida Accessibility Code for Building Construction  
 8           to recuperate attorney fees; amending s. 559.956,  
 9           F.S.; providing a specified effective date for  
 10          provisions relating to HVAC manufacturer's warranty  
 11          transfers; prohibiting HVAC manufacturer's warranties  
 12          from being conditioned upon the product registration;  
 13          providing applicability; removing provisions relating  
 14          to HVAC manufacturer's warranty registration; creating  
 15          s. 559.957, F.S.; providing the effective date for  
 16          certain HVAC systems and components warranties under a  
 17          specified circumstance; providing required information  
 18          for warranty and product registration cards and forms;  
 19          prohibiting HVAC systems and components warranties  
 20          from being conditioned upon the product registration;  
 21          providing an effective date.

22  
 23   Be It Enacted by the Legislature of the State of Florida:  
 24

25           Section 1. Paragraphs (f), (g), and (i) of subsection (3)

26 | of section 489.105, Florida Statutes, are amended to read:

27 |       489.105 Definitions.—As used in this part:

28 |       (3) "Contractor" means the person who is qualified for,  
 29 | and is only responsible for, the project contracted for and  
 30 | means, except as exempted in this part, the person who, for  
 31 | compensation, undertakes to, submits a bid to, or does himself  
 32 | or herself or by others construct, repair, alter, remodel, add  
 33 | to, demolish, subtract from, or improve any building or  
 34 | structure, including related improvements to real estate, for  
 35 | others or for resale to others; and whose job scope is  
 36 | substantially similar to the job scope described in one of the  
 37 | paragraphs of this subsection. For the purposes of regulation  
 38 | under this part, the term "demolish" applies only to demolition  
 39 | of steel tanks more than 50 feet in height; towers more than 50  
 40 | feet in height; other structures more than 50 feet in height;  
 41 | and all buildings or residences. Contractors are subdivided into  
 42 | two divisions, Division I, consisting of those contractors  
 43 | defined in paragraphs (a)-(c), and Division II, consisting of  
 44 | those contractors defined in paragraphs (d)-(q):

45 |       (f) "Class A air-conditioning contractor" means a  
 46 | contractor whose services are unlimited in the execution of  
 47 | contracts requiring the experience, knowledge, and skill to  
 48 | install, maintain, repair, fabricate, alter, extend, or design,  
 49 | if not prohibited by law, central air-conditioning,  
 50 | refrigeration, heating, and ventilating systems, including duct

HB481

2024

51 work in connection with a complete system if such duct work is  
52 performed by the contractor as necessary to complete an air-  
53 distribution system, boiler and unfired pressure vessel systems,  
54 and all appurtenances, apparatus, or equipment used in  
55 connection therewith, and any duct cleaning and equipment  
56 sanitizing that requires at least a partial disassembling of the  
57 system; to install, maintain, repair, fabricate, alter, extend,  
58 or design, if not prohibited by law, piping, insulation of  
59 pipes, vessels and ducts, pressure and process piping, and  
60 pneumatic control piping; to replace, disconnect, or reconnect  
61 power wiring on the line or load side of the dedicated existing  
62 electrical disconnect switch on single phase electrical systems;  
63 to repair or replace power wiring, disconnects, breakers, or  
64 fuses for dedicated HVAC circuits; to install, disconnect, and  
65 reconnect low voltage heating, ventilating, and air-conditioning  
66 control wiring; and to install a condensate drain from an air-  
67 conditioning unit to an existing safe waste or other approved  
68 disposal other than a direct connection to a sanitary system.  
69 The scope of work for such contractor also includes any  
70 excavation work incidental thereto, but does not include any  
71 work such as liquefied petroleum or natural gas fuel lines  
72 within buildings, except for disconnecting or reconnecting  
73 changeouts of liquefied petroleum or natural gas appliances  
74 within buildings; potable water lines or connections thereto;  
75 sanitary sewer lines; swimming pool piping and filters; or

HB481

2024

76 | electrical power wiring. A Class A air-conditioning contractor  
77 | may test and evaluate central air-conditioning, refrigeration,  
78 | heating, and ventilating systems, including duct work; however,  
79 | a mandatory licensing requirement is not established for the  
80 | performance of these specific services.

81 |       (g) "Class B air-conditioning contractor" means a  
82 | contractor whose services are limited to 25 tons of cooling and  
83 | 500,000 Btu of heating in any one system in the execution of  
84 | contracts requiring the experience, knowledge, and skill to  
85 | install, maintain, repair, fabricate, alter, extend, or design,  
86 | if not prohibited by law, central air-conditioning,  
87 | refrigeration, heating, and ventilating systems, including duct  
88 | work in connection with a complete system only to the extent  
89 | such duct work is performed by the contractor as necessary to  
90 | complete an air-distribution system being installed under this  
91 | classification, and any duct cleaning and equipment sanitizing  
92 | that requires at least a partial disassembling of the system; to  
93 | install, maintain, repair, fabricate, alter, extend, or design,  
94 | if not prohibited by law, piping and insulation of pipes,  
95 | vessels, and ducts; to replace, disconnect, or reconnect power  
96 | wiring on the line or load side of the dedicated existing  
97 | electrical disconnect switch on single phase electrical systems;  
98 | to repair or replace power wiring, disconnects, breakers, or  
99 | fuses for dedicated HVAC circuits; to install, disconnect, and  
100 | reconnect low voltage heating, ventilating, and air-conditioning

101 control wiring; and to install a condensate drain from an air-  
102 conditioning unit to an existing safe waste or other approved  
103 disposal other than a direct connection to a sanitary system.  
104 The scope of work for such contractor also includes any  
105 excavation work incidental thereto, but does not include any  
106 work such as liquefied petroleum or natural gas fuel lines  
107 within buildings, except for disconnecting or reconnecting  
108 changeouts of liquefied petroleum or natural gas appliances  
109 within buildings; potable water lines or connections thereto;  
110 sanitary sewer lines; swimming pool piping and filters; or  
111 electrical power wiring. A Class B air-conditioning contractor  
112 may test and evaluate central air-conditioning, refrigeration,  
113 heating, and ventilating systems, including duct work; however,  
114 a mandatory licensing requirement is not established for the  
115 performance of these specific services.

116 (i) "Mechanical contractor" means a contractor whose  
117 services are unlimited in the execution of contracts requiring  
118 the experience, knowledge, and skill to install, maintain,  
119 repair, fabricate, alter, extend, or design, if not prohibited  
120 by law, central air-conditioning, refrigeration, heating, and  
121 ventilating systems, including duct work in connection with a  
122 complete system if such duct work is performed by the contractor  
123 as necessary to complete an air-distribution system, boiler and  
124 unfired pressure vessel systems, lift station equipment and  
125 piping, and all appurtenances, apparatus, or equipment used in

126 connection therewith, and any duct cleaning and equipment  
127 sanitizing that requires at least a partial disassembling of the  
128 system; to install, maintain, repair, fabricate, alter, extend,  
129 or design, if not prohibited by law, piping, insulation of  
130 pipes, vessels and ducts, pressure and process piping, pneumatic  
131 control piping, gasoline tanks and pump installations and piping  
132 for same, standpipes, air piping, vacuum line piping, oxygen  
133 lines, nitrous oxide piping, ink and chemical lines, fuel  
134 transmission lines, liquefied petroleum gas lines within  
135 buildings, and natural gas fuel lines within buildings; to  
136 replace, disconnect, or reconnect power wiring on the line or  
137 load side of the dedicated existing electrical disconnect switch  
138 on single phase electrical systems; to repair or replace power  
139 wiring, disconnects, breakers, or fuses for dedicated HVAC  
140 circuits; to install, disconnect, and reconnect low voltage  
141 heating, ventilating, and air-conditioning control wiring; and  
142 to install a condensate drain from an air-conditioning unit to  
143 an existing safe waste or other approved disposal other than a  
144 direct connection to a sanitary system. The scope of work for  
145 such contractor also includes any excavation work incidental  
146 thereto, but does not include any work such as potable water  
147 lines or connections thereto, sanitary sewer lines, swimming  
148 pool piping and filters, or electrical power wiring. A  
149 mechanical contractor may test and evaluate central air-  
150 conditioning, refrigeration, heating, and ventilating systems,

151 including duct work; however, a mandatory licensing requirement  
152 is not established for the performance of these specific  
153 services.

154 Section 2. Paragraph (c) of subsection (3) of section  
155 553.775, Florida Statutes, is amended to read:

156 553.775 Interpretations.—

157 (3) The following procedures may be invoked regarding  
158 interpretations of the Florida Building Code or the Florida  
159 Accessibility Code for Building Construction:

160 (c) The commission shall review decisions of local  
161 building officials and local enforcement agencies regarding  
162 interpretations of the Florida Building Code or the Florida  
163 Accessibility Code for Building Construction after the local  
164 board of appeals has considered the decision, if such board  
165 exists, and if such appeals process is concluded within 25  
166 business days.

167 1. The commission shall coordinate with the Building  
168 Officials Association of Florida, Inc., to designate a panel  
169 composed of seven members to hear requests to review decisions  
170 of local building officials. Five members must be licensed as  
171 building code administrators under part XII of chapter 468, one  
172 member must be licensed as an architect under chapter 481, and  
173 one member must be licensed as an engineer under chapter 471.  
174 Each member must have experience interpreting or enforcing  
175 provisions of the Florida Building Code and the Florida

176 Accessibility Code for Building Construction.

177       2. Requests to review a decision of a local building  
178 official interpreting provisions of the Florida Building Code or  
179 the Florida Accessibility Code for Building Construction may be  
180 initiated by any substantially affected person, including an  
181 owner or builder subject to a decision of a local building  
182 official or an association of owners or builders having members  
183 who are subject to a decision of a local building official. In  
184 order to initiate review, the substantially affected person must  
185 file a petition with the commission. The commission shall adopt  
186 a form for the petition, which shall be published on the  
187 Building Code Information System. The form shall, at a minimum,  
188 require the following:

189       a. The name and address of the county or municipality in  
190 which provisions of the Florida Building Code or the Florida  
191 Accessibility Code for Building Construction are being  
192 interpreted.

193       b. The name and address of the local building official who  
194 has made the interpretation being appealed.

195       c. The name, address, and telephone number of the  
196 petitioner; the name, address, and telephone number of the  
197 petitioner's representative, if any; and an explanation of how  
198 the petitioner's substantial interests are being affected by the  
199 local interpretation of the Florida Building Code or the Florida  
200 Accessibility Code for Building Construction.

201 d. A statement of the provisions of the Florida Building  
 202 Code or the Florida Accessibility Code for Building Construction  
 203 which are being interpreted by the local building official.

204 e. A statement of the interpretation given to provisions  
 205 of the Florida Building Code or the Florida Accessibility Code  
 206 for Building Construction by the local building official and the  
 207 manner in which the interpretation was rendered.

208 f. A statement of the interpretation that the petitioner  
 209 contends should be given to the provisions of the Florida  
 210 Building Code or the Florida Accessibility Code for Building  
 211 Construction and a statement supporting the petitioner's  
 212 interpretation.

213 g. Space for the local building official to respond in  
 214 writing. The space shall, at a minimum, require the local  
 215 building official to respond by providing a statement admitting  
 216 or denying the statements contained in the petition and a  
 217 statement of the interpretation of the provisions of the Florida  
 218 Building Code or the Florida Accessibility Code for Building  
 219 Construction which the local jurisdiction or the local building  
 220 official contends is correct, including the basis for the  
 221 interpretation.

222 3. The petitioner shall submit the petition to the local  
 223 building official, who shall place the date of receipt on the  
 224 petition. The local building official shall respond to the  
 225 petition in accordance with the form and shall return the

HB481

2024

226 petition along with his or her response to the petitioner within  
227 5 days after receipt, exclusive of Saturdays, Sundays, and legal  
228 holidays. The petitioner may file the petition with the  
229 commission at any time after the local building official  
230 provides a response. If no response is provided by the local  
231 building official, the petitioner may file the petition with the  
232 commission 10 days after submission of the petition to the local  
233 building official and shall note that the local building  
234 official did not respond.

235 4. Upon receipt of a petition that meets the requirements  
236 of subparagraph 2., the commission shall immediately provide  
237 copies of the petition to the panel, and the commission shall  
238 publish the petition, including any response submitted by the  
239 local building official, on the Building Code Information System  
240 in a manner that allows interested persons to address the issues  
241 by posting comments.

242 5. The panel shall conduct proceedings as necessary to  
243 resolve the issues; shall give due regard to the petitions, the  
244 response, and to comments posed on the Building Code Information  
245 System; and shall issue an interpretation regarding the  
246 provisions of the Florida Building Code or the Florida  
247 Accessibility Code for Building Construction within 21 days  
248 after the filing of the petition. The panel shall render a  
249 determination based upon the Florida Building Code or the  
250 Florida Accessibility Code for Building Construction or, if the

251 code is ambiguous, the intent of the code. The panel's  
252 interpretation shall be provided to the commission, which shall  
253 publish the interpretation on the Building Code Information  
254 System and in the Florida Administrative Register. The  
255 interpretation shall be considered an interpretation entered by  
256 the commission, and shall be binding upon the parties and upon  
257 all jurisdictions subject to the Florida Building Code or the  
258 Florida Accessibility Code for Building Construction, unless it  
259 is superseded by a declaratory statement issued by the Florida  
260 Building Commission or by a final order entered after an appeal  
261 proceeding conducted in accordance with subparagraph 7. The  
262 prevailing party is entitled to the recuperation of all attorney  
263 fees accrued from the losing party.

264 6. It is the intent of the Legislature that review  
265 proceedings be completed within 21 days after the date that a  
266 petition seeking review is filed with the commission, and the  
267 time periods set forth in this paragraph may be waived only upon  
268 consent of all parties.

269 7. Any substantially affected person may appeal an  
270 interpretation rendered by the panel by filing a petition with  
271 the commission. Such appeals shall be initiated in accordance  
272 with chapter 120 and the uniform rules of procedure and must be  
273 filed within 30 days after publication of the interpretation on  
274 the Building Code Information System or in the Florida  
275 Administrative Register. Hearings shall be conducted pursuant to

HB481

2024

276 chapter 120 and the uniform rules of procedure. Decisions of the  
277 commission are subject to judicial review pursuant to s. 120.68.  
278 The final order of the commission is binding upon the parties  
279 and upon all jurisdictions subject to the Florida Building Code  
280 or the Florida Accessibility Code for Building Construction.

281 8. The burden of proof in any proceeding initiated in  
282 accordance with subparagraph 7. is on the party who initiated  
283 the appeal.

284 9. In any review proceeding initiated in accordance with  
285 this paragraph, including any proceeding initiated in accordance  
286 with subparagraph 7., the fact that an owner or builder has  
287 proceeded with construction may not be grounds for determining  
288 an issue to be moot if the issue is one that is likely to arise  
289 in the future.

290  
291 This paragraph provides the exclusive remedy for addressing  
292 requests to review local interpretations of the Florida Building  
293 Code or the Florida Accessibility Code for Building Construction  
294 and appeals from review proceedings.

295 Section 3. Section 559.956, Florida Statutes, is amended  
296 to read:

297 559.956 ~~Registrations and Transfers of heating,~~  
298 ~~ventilation, and air-conditioning system manufacturer~~  
299 ~~warranties; required contractor documentation.-~~

300 (1) If a residential real property that includes a

HB481

2024

301 heating, ventilation, and air-conditioning (HVAC) system as a  
302 fixture to the property is conveyed to a new owner on or after  
303 July 1, 2024, a manufacturer's warranty in effect on that system  
304 or a component of that system:

305 (a) Is automatically transferred to the new owner; and

306 (b) Continues in effect as if the new owner was the  
307 original purchaser of such system or component, as applicable.

308 (2) A warrantor continues to be obligated under the terms  
309 of a manufacturer's warranty agreement for a warranty  
310 transferred under this section and may not charge a fee for the  
311 transfer of the warranty.

312 (3) The transfer of a manufacturer's warranty under this  
313 section does not extend the remaining term of the warranty.

314 (4) A manufacturer's warranty of a HVAC system or a  
315 component of the system may not be in any way conditioned upon  
316 the product registration.

317 (5) This section applies if:

318 (a) A sale of a residential property that includes an HVAC  
319 system as a fixture to the property occurs on or after July 1,  
320 2024.

321 (b) A manufacturer's warranty is still in effect on the  
322 HVAC system or a component of the system.

323 ~~(4) A manufacturer's warranty for an HVAC system is deemed~~  
324 ~~registered with the manufacturer if a contractor licensed under~~  
325 ~~part I of chapter 489:~~

326 ~~(a) Installs the new HVAC system; and~~  
 327 ~~(b) Provides the manufacturer of the HVAC system with the~~  
 328 ~~date of the issuance of the certificate of occupancy for~~  
 329 ~~installations relating to new construction, or the serial number~~  
 330 ~~of the HVAC system for installations relating to existing~~  
 331 ~~construction, as applicable.~~

332 ~~(5) A contractor licensed under part I of chapter 489 who~~  
 333 ~~installs a new HVAC system must document the installation~~  
 334 ~~through an invoice or a receipt and provide the invoice or~~  
 335 ~~receipt to the customer.~~

336 Section 4. Section 559.957, Florida Statutes, is created  
 337 to read:

338 559.957 Registration of heating, ventilation, and air-  
 339 conditioning systems; prohibition against warranty conditioned  
 340 upon registration.-

341 (1) The full length of a manufacturer's, distributor's, or  
 342 retailer's warranty of a heating, ventilation, and air-  
 343 conditioning (HVAC) system or any component of the system is  
 344 effective in this state on the date of installation if installed  
 345 by a contractor licensed under part I of chapter 489.

346 (2) If a manufacturer, distributor, or retailer of a HVAC  
 347 system or any component of the system provides a warranty or  
 348 product registration card or form, or an electronic, online  
 349 warranty or product registration form, the card or form must  
 350 contain the following information, displayed in a clear and

HB481

2024

351 conspicuous manner:

352 (a) The card or form is for the product registration.

353 (b) Failure to complete and return the card or form does  
354 not diminish any warranty rights or decrease the warranty  
355 length.

356 (3) Any offered manufacturer's, distributor's, or  
357 retailer's warranty of a HVAC system or a component of the  
358 system may not be in any way conditioned upon the product  
359 registration.

360 Section 5. This act shall take effect July 1, 2024.