

By Senator Hooper

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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 recover attorney fees; amending s. 559.956, F.S.;
9 providing that certain provisions governing the
10 transfer of HVAC manufacturer's warranties apply to
11 transfers made on or after a specified date;
12 prohibiting HVAC manufacturer's warranties from being
13 conditioned upon the product registration; providing
14 applicability; removing provisions relating to HVAC
15 manufacturer's warranty registration; creating s.
16 559.957, F.S.; providing the effective date for
17 certain HVAC system and component warranties under a
18 specified circumstance; providing required information
19 for warranty and product registration cards and forms;
20 prohibiting HVAC system and component warranties from
21 being conditioned upon product registration; providing
22 an effective date.

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

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26 Section 1. Paragraphs (f), (g), and (i) of subsection (3)
27 of section 489.105, Florida Statutes, are amended to read:

28 489.105 Definitions.—As used in this part:

29 (3) "Contractor" means the person who is qualified for, and

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

46 (f) "Class A air-conditioning contractor" means a
47 contractor whose services are unlimited in the execution of
48 contracts requiring the experience, knowledge, and skill to
49 install, maintain, repair, fabricate, alter, extend, or design,
50 if not prohibited by law, central air-conditioning,
51 refrigeration, heating, and ventilating systems, including duct
52 work in connection with a complete system if such duct work is
53 performed by the contractor as necessary to complete an air-
54 distribution system, boiler and unfired pressure vessel systems,
55 and all appurtenances, apparatus, or equipment used in
56 connection therewith, and any duct cleaning and equipment
57 sanitizing that requires at least a partial disassembling of the
58 system; to install, maintain, repair, fabricate, alter, extend,

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59 or design, if not prohibited by law, piping, insulation of
60 pipes, vessels and ducts, pressure and process piping, and
61 pneumatic control piping; to replace, disconnect, or reconnect
62 power wiring on the line or load side of the dedicated existing
63 electrical disconnect switch on single-phase electrical systems;
64 to repair or replace power wiring, disconnects, breakers, or
65 fuses for dedicated HVAC circuits; to install, disconnect, and
66 reconnect low voltage heating, ventilating, and air-conditioning
67 control wiring; and to install a condensate drain from an air-
68 conditioning unit to an existing safe waste or other approved
69 disposal other than a direct connection to a sanitary system.
70 The scope of work for such contractor also includes any
71 excavation work incidental thereto, but does not include any
72 work such as liquefied petroleum or natural gas fuel lines
73 within buildings, except for disconnecting or reconnecting
74 changeouts of liquefied petroleum or natural gas appliances
75 within buildings; potable water lines or connections thereto;
76 sanitary sewer lines; swimming pool piping and filters; or
77 electrical power wiring. A Class A air-conditioning contractor
78 may test and evaluate central air-conditioning, refrigeration,
79 heating, and ventilating systems, including duct work; however,
80 a mandatory licensing requirement is not established for the
81 performance of these specific services.

82 (g) "Class B air-conditioning contractor" means a
83 contractor whose services are limited to 25 tons of cooling and
84 500,000 Btu of heating in any one system in the execution of
85 contracts requiring the experience, knowledge, and skill to
86 install, maintain, repair, fabricate, alter, extend, or design,
87 if not prohibited by law, central air-conditioning,

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88 refrigeration, heating, and ventilating systems, including duct
89 work in connection with a complete system only to the extent
90 such duct work is performed by the contractor as necessary to
91 complete an air-distribution system being installed under this
92 classification, and any duct cleaning and equipment sanitizing
93 that requires at least a partial disassembling of the system; to
94 install, maintain, repair, fabricate, alter, extend, or design,
95 if not prohibited by law, piping and insulation of pipes,
96 vessels, and ducts; to replace, disconnect, or reconnect power
97 wiring on the line or load side of the dedicated existing
98 electrical disconnect switch on single-phase electrical systems;
99 to repair or replace power wiring, disconnects, breakers, or
100 fuses for dedicated HVAC circuits; to install, disconnect, and
101 reconnect low voltage heating, ventilating, and air-conditioning
102 control wiring; and to install a condensate drain from an air-
103 conditioning unit to an existing safe waste or other approved
104 disposal other than a direct connection to a sanitary system.
105 The scope of work for such contractor also includes any
106 excavation work incidental thereto, but does not include any
107 work such as liquefied petroleum or natural gas fuel lines
108 within buildings, except for disconnecting or reconnecting
109 changeouts of liquefied petroleum or natural gas appliances
110 within buildings; potable water lines or connections thereto;
111 sanitary sewer lines; swimming pool piping and filters; or
112 electrical power wiring. A Class B air-conditioning contractor
113 may test and evaluate central air-conditioning, refrigeration,
114 heating, and ventilating systems, including duct work; however,
115 a mandatory licensing requirement is not established for the
116 performance of these specific services.

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117 (i) "Mechanical contractor" means a contractor whose
118 services are unlimited in the execution of contracts requiring
119 the experience, knowledge, and skill to install, maintain,
120 repair, fabricate, alter, extend, or design, if not prohibited
121 by law, central air-conditioning, refrigeration, heating, and
122 ventilating systems, including duct work in connection with a
123 complete system if such duct work is performed by the contractor
124 as necessary to complete an air-distribution system, boiler and
125 unfired pressure vessel systems, lift station equipment and
126 piping, and all appurtenances, apparatus, or equipment used in
127 connection therewith, and any duct cleaning and equipment
128 sanitizing that requires at least a partial disassembling of the
129 system; to install, maintain, repair, fabricate, alter, extend,
130 or design, if not prohibited by law, piping, insulation of
131 pipes, vessels and ducts, pressure and process piping, pneumatic
132 control piping, gasoline tanks and pump installations and piping
133 for same, standpipes, air piping, vacuum line piping, oxygen
134 lines, nitrous oxide piping, ink and chemical lines, fuel
135 transmission lines, liquefied petroleum gas lines within
136 buildings, and natural gas fuel lines within buildings; to
137 replace, disconnect, or reconnect power wiring on the line or
138 load side of the dedicated existing electrical disconnect switch
139 on single-phase electrical systems; to repair or replace power
140 wiring, disconnects, breakers, or fuses for dedicated HVAC
141 circuits; to install, disconnect, and reconnect low voltage
142 heating, ventilating, and air-conditioning control wiring; and
143 to install a condensate drain from an air-conditioning unit to
144 an existing safe waste or other approved disposal other than a
145 direct connection to a sanitary system. The scope of work for

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146 such contractor also includes any excavation work incidental
147 thereto, but does not include any work such as potable water
148 lines or connections thereto, sanitary sewer lines, swimming
149 pool piping and filters, or electrical power wiring. A
150 mechanical contractor may test and evaluate central air-
151 conditioning, refrigeration, heating, and ventilating systems,
152 including duct work; however, a mandatory licensing requirement
153 is not established for the performance of these specific
154 services.

155 Section 2. Paragraph (c) of subsection (3) of section
156 553.775, Florida Statutes, is amended to read:

157 553.775 Interpretations.—

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

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

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

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175 Each member must have experience interpreting or enforcing
176 provisions of the Florida Building Code and the Florida
177 Accessibility Code for Building Construction.

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

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

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

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

202 d. A statement of the provisions of the Florida Building
203 Code or the Florida Accessibility Code for Building Construction

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204 which are being interpreted by the local building official.

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

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

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

223 3. The petitioner shall submit the petition to the local
224 building official, who shall place the date of receipt on the
225 petition. The local building official shall respond to the
226 petition in accordance with the form and shall return the
227 petition along with his or her response to the petitioner within
228 5 days after receipt, exclusive of Saturdays, Sundays, and legal
229 holidays. The petitioner may file the petition with the
230 commission at any time after the local building official
231 provides a response. If no response is provided by the local
232 building official, the petitioner may file the petition with the

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233 commission 10 days after submission of the petition to the local
234 building official and shall note that the local building
235 official did not respond.

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

243 5. The panel shall conduct proceedings as necessary to
244 resolve the issues; shall give due regard to the petitions, the
245 response, and to comments posed on the Building Code Information
246 System; and shall issue an interpretation regarding the
247 provisions of the Florida Building Code or the Florida
248 Accessibility Code for Building Construction within 21 days
249 after the filing of the petition. The panel shall render a
250 determination based upon the Florida Building Code or the
251 Florida Accessibility Code for Building Construction or, if the
252 code is ambiguous, the intent of the code. The panel's
253 interpretation shall be provided to the commission, which shall
254 publish the interpretation on the Building Code Information
255 System and in the Florida Administrative Register. The
256 interpretation shall be considered an interpretation entered by
257 the commission, and shall be binding upon the parties and upon
258 all jurisdictions subject to the Florida Building Code or the
259 Florida Accessibility Code for Building Construction, unless it
260 is superseded by a declaratory statement issued by the Florida
261 Building Commission or by a final order entered after an appeal

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262 proceeding conducted in accordance with subparagraph 7. The
263 prevailing party is entitled to the recovery of all attorney
264 fees accrued from the losing party.

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

270 7. Any substantially affected person may appeal an
271 interpretation rendered by the panel by filing a petition with
272 the commission. Such appeals shall be initiated in accordance
273 with chapter 120 and the uniform rules of procedure and must be
274 filed within 30 days after publication of the interpretation on
275 the Building Code Information System or in the Florida
276 Administrative Register. Hearings shall be conducted pursuant to
277 chapter 120 and the uniform rules of procedure. Decisions of the
278 commission are subject to judicial review pursuant to s. 120.68.
279 The final order of the commission is binding upon the parties
280 and upon all jurisdictions subject to the Florida Building Code
281 or the Florida Accessibility Code for Building Construction.

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

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

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

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

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

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

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

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

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

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

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

(5) This section applies if:

(a) A sale of a residential property that includes an HVAC

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320 system as a fixture to the property occurs on or after July 1,
321 2024.

322 (b) A manufacturer's warranty is still in effect on the
323 HVAC system or a component of the system. A manufacturer's
324 warranty for an HVAC system is deemed registered with the
325 manufacturer if a contractor licensed under part I of chapter
326 489:

327 (a) Installs the new HVAC system; and

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

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

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

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

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

347 (2) If a manufacturer, distributor, or retailer of an HVAC
348 system or any component of the system provides a warranty or

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349 product registration card or form, or an electronic, online
350 warranty or product registration form, the card or form must
351 contain the following information, displayed in a clear and
352 conspicuous manner:

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

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

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

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