

By the Committee on Commerce and Tourism; and 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. 559.956, F.S.;
5 providing that certain provisions governing the
6 transfer of heating, ventilation, and air-conditioning
7 (HVAC) system manufacturers' warranties apply to
8 transfers made on or after a specified date;
9 prohibiting HVAC system manufacturers' warranties from
10 being conditioned upon the product registration;
11 providing applicability; removing provisions relating
12 to an HVAC system manufacturer's warranty
13 registration; creating s. 559.957, F.S.; providing the
14 effective date for certain HVAC system and component
15 warranties under a specified circumstance; providing
16 required information for warranty and product
17 registration cards and forms; prohibiting HVAC system
18 and component warranties from being conditioned upon
19 product registration; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
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23 Section 1. Paragraphs (f), (g), and (i) of subsection (3)
24 of section 489.105, Florida Statutes, are amended to read:

25 489.105 Definitions.—As used in this part:

26 (3) "Contractor" means the person who is qualified for, and
27 is only responsible for, the project contracted for and means,
28 except as exempted in this part, the person who, for
29 compensation, undertakes to, submits a bid to, or does himself

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

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

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

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

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

155 Section 2. Section 559.956, Florida Statutes, is amended to
156 read:

157 559.956 ~~Registrations and~~ Transfers of heating,
158 ventilation, and air-conditioning system manufacturer
159 warranties; ~~required contractor documentation.~~

160 (1) If a residential real property that includes a heating,
161 ventilation, and air-conditioning (HVAC) system as a fixture to
162 the property is conveyed to a new owner on or after July 1,
163 2024, a manufacturer's warranty in effect on that system or a
164 component of that system:

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

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

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

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

174 (4) A manufacturer's warranty of an HVAC system or a

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175 component of the system may not be in any way conditioned upon
176 the product registration.

177 (5) This section applies if:

178 (a) A sale of a residential property that includes an HVAC
179 system as a fixture to the property occurs on or after July 1,
180 2024.

181 (b) A manufacturer's warranty is still in effect on the
182 HVAC system or a component of the system. A manufacturer's
183 warranty for an HVAC system is deemed registered with the
184 manufacturer if a contractor licensed under part I of chapter
185 489:

186 ~~(a) Installs the new HVAC system; and~~

187 ~~(b) Provides the manufacturer of the HVAC system with the~~
188 ~~date of the issuance of the certificate of occupancy for~~
189 ~~installations relating to new construction, or the serial number~~
190 ~~of the HVAC system for installations relating to existing~~
191 ~~construction, as applicable.~~

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

196 Section 3. Section 559.957, Florida Statutes, is created to
197 read:

198 559.957 Registration of heating, ventilation, and air-
199 conditioning systems; prohibition against warranty conditioned
200 upon registration.-

201 (1) The full length of a manufacturer's, distributor's, or
202 retailer's warranty of a heating, ventilation, and air-
203 conditioning (HVAC) system or any component of the system is

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204 effective in this state on the date of installation if installed
205 by a contractor licensed under part I of chapter 489.

206 (2) If a manufacturer, distributor, or retailer of an HVAC
207 system or any component of the system provides a warranty or
208 product registration card or form, or an electronic, online
209 warranty or product registration form, the card or form must
210 contain the following information displayed in a clear and
211 conspicuous manner:

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

213 (b) Failure to complete and return the card or form does
214 not diminish any warranty rights or decrease the warranty
215 length.

216 (3) Any offered manufacturer's, distributor's, or
217 retailer's warranty of an HVAC system or a component of the
218 system may not be in any way conditioned upon the product
219 registration.

220 Section 4. This act shall take effect July 1, 2024.