

By the Committees on Regulated Industries; and Community Affairs; and Senator Simpson

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1 A bill to be entitled
2 An act relating to building construction; amending s.
3 162.12, F.S.; revising notice requirements in the
4 Local Government Code Enforcement Boards Act; amending
5 s. 381.0065, F.S.; specifying that certain actions
6 relating to onsite sewage treatment and removal are
7 not required if a bedroom is not added during a
8 remodeling addition or modification to a single-family
9 home; prohibiting a remodeling addition or
10 modification from certain coverage or encroachment;
11 authorizing a local health board to review specific
12 plans; requiring a review to be completed within a
13 specific time period after receipt of specific plans;
14 amending s. 489.105, F.S.; revising a definition;
15 providing that amendments to s. 489.113(2), F.S.,
16 enacted in s. 11, ch. 2012-13, Laws of Florida, are
17 remedial and intended to clarify existing law;
18 providing for retroactivity; amending s. 489.127,
19 F.S.; revising civil penalties; authorizing a local
20 building department to retain 75 percent of certain
21 fines collected if it transmits 25 percent to the
22 Department of Business and Professional Regulation;
23 amending s. 489.131, F.S.; deleting legislative intent
24 referring to a local agency's enforcement of
25 regulatory laws; deleting the definitions of "minor
26 violation" and "notice of noncompliance"; deleting
27 provisions that provide for what a notice of
28 noncompliance should or should not include; deleting a
29 provision that provides for further disciplinary

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30 proceedings for certain licensees; amending s.
31 489.514, F.S.; extending the date by which an
32 applicant must make application for a license to be
33 grandfathered; amending s. 489.531, F.S.; revising a
34 maximum civil penalty; amending s. 553.73, F.S.;
35 prohibiting any provision of the International
36 Residential Code relating to mandated fire sprinklers
37 from incorporation into the Florida Building Code;
38 amending s. 553.74, F.S.; revising membership of the
39 Florida Building Commission; amending s. 553.79, F.S.;
40 authorizing a site plan to be maintained at the
41 worksite as an electronic copy; requiring the copy to
42 be open to inspection by certain officials; amending
43 s. 553.842, F.S.; requiring an application for state
44 approval of a certain product to be approved by the
45 department after the application and related
46 documentation are complete; amending ss. 553.901,
47 553.902, 553.903, 553.904, 553.905, and 553.906, F.S.;
48 requiring the Florida Building Commission to adopt the
49 Florida Building Code-Energy Conservation; conforming
50 subsequent sections of the thermal efficiency code;
51 amending s. 553.912, F.S.; providing that certain
52 existing heating and cooling equipment is not required
53 to meet the minimum equipment efficiencies; amending
54 s. 553.991, F.S.; revising the purpose of the Florida
55 Building Energy-Efficiency Rating Act; repealing s.
56 553.992, F.S., relating to the adoption of a rating
57 system; amending s. 553.993, F.S.; providing
58 definitions; amending s. 553.994, F.S.; providing for

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59 the applicability of building energy-efficiency rating
60 systems; amending s. 553.995, F.S.; deleting a minimum
61 requirement for the building energy-efficiency rating
62 systems; revising language; deleting provisions
63 relating to a certain interest group; deleting
64 provisions relating to the Department of Business and
65 Professional Regulation; amending s. 553.996, F.S.;
66 requiring building energy-efficiency rating system
67 providers to provide certain information; amending s.
68 553.997, F.S.; deleting a provision relating to the
69 department; amending s. 553.998, F.S.; revising
70 provisions relating to rating compliance; providing a
71 short title; creating the Florida Concrete Masonry
72 Council, Inc.; authorizing the council to levy an
73 assessment on the sale of concrete masonry units under
74 certain circumstances; providing the powers and duties
75 of the council and restrictions upon actions of the
76 council; providing for appointment of the governing
77 board of the council; authorizing the council to
78 submit a referendum to manufacturers of concrete
79 masonry units for authorization to levy an assessment
80 on the sale of concrete masonry units; providing
81 procedure for holding the referendum; authorizing the
82 council to accept grants, donations, contributions,
83 and gifts under certain circumstances; authorizing the
84 council to make payments to other organizations under
85 certain circumstances; providing requirements for the
86 manufacturer's collection of assessments; requiring
87 the council to adopt bylaws; providing an effective

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88 date.

89

90 Be It Enacted by the Legislature of the State of Florida:

91

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

94 162.12 Notices.—

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

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

109 (b) Hand delivery by the sheriff or other law enforcement
110 officer, code inspector, or other person designated by the local
111 governing body;

112 (c) Leaving the notice at the violator's usual place of
113 residence with any person residing therein who is above 15 years
114 of age and informing such person of the contents of the notice;
115 or

116 (d) In the case of commercial premises, leaving the notice

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117 with the manager or other person in charge.

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

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

128 2. Proof of publication shall be made as provided in ss.
129 50.041 and 50.051.

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

139 2. Proof of posting shall be by affidavit of the person
140 posting the notice, which affidavit shall include a copy of the
141 notice posted and the date and places of its posting.

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

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

152 Section 2. Paragraph (aa) of subsection (4) of section
153 381.0065, Florida Statutes, is amended to read:

154 381.0065 Onsite sewage treatment and disposal systems;
155 regulation.—

156 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
157 construct, repair, modify, abandon, or operate an onsite sewage
158 treatment and disposal system without first obtaining a permit
159 approved by the department. The department may issue permits to
160 carry out this section, but shall not make the issuance of such
161 permits contingent upon prior approval by the Department of
162 Environmental Protection, except that the issuance of a permit
163 for work seaward of the coastal construction control line
164 established under s. 161.053 shall be contingent upon receipt of
165 any required coastal construction control line permit from the
166 Department of Environmental Protection. A construction permit is
167 valid for 18 months from the issuance date and may be extended
168 by the department for one 90-day period under rules adopted by
169 the department. A repair permit is valid for 90 days from the
170 date of issuance. An operating permit must be obtained prior to
171 the use of any aerobic treatment unit or if the establishment
172 generates commercial waste. Buildings or establishments that use
173 an aerobic treatment unit or generate commercial waste shall be
174 inspected by the department at least annually to assure

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175 compliance with the terms of the operating permit. The operating
176 permit for a commercial wastewater system is valid for 1 year
177 from the date of issuance and must be renewed annually. The
178 operating permit for an aerobic treatment unit is valid for 2
179 years from the date of issuance and must be renewed every 2
180 years. If all information pertaining to the siting, location,
181 and installation conditions or repair of an onsite sewage
182 treatment and disposal system remains the same, a construction
183 or repair permit for the onsite sewage treatment and disposal
184 system may be transferred to another person, if the transferee
185 files, within 60 days after the transfer of ownership, an
186 amended application providing all corrected information and
187 proof of ownership of the property. There is no fee associated
188 with the processing of this supplemental information. A person
189 may not contract to construct, modify, alter, repair, service,
190 abandon, or maintain any portion of an onsite sewage treatment
191 and disposal system without being registered under part III of
192 chapter 489. A property owner who personally performs
193 construction, maintenance, or repairs to a system serving his or
194 her own owner-occupied single-family residence is exempt from
195 registration requirements for performing such construction,
196 maintenance, or repairs on that residence, but is subject to all
197 permitting requirements. A municipality or political subdivision
198 of the state may not issue a building or plumbing permit for any
199 building that requires the use of an onsite sewage treatment and
200 disposal system unless the owner or builder has received a
201 construction permit for such system from the department. A
202 building or structure may not be occupied and a municipality,
203 political subdivision, or any state or federal agency may not

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204 authorize occupancy until the department approves the final
205 installation of the onsite sewage treatment and disposal system.
206 A municipality or political subdivision of the state may not
207 approve any change in occupancy or tenancy of a building that
208 uses an onsite sewage treatment and disposal system until the
209 department has reviewed the use of the system with the proposed
210 change, approved the change, and amended the operating permit.

211 (aa) An existing-system inspection or evaluation and
212 assessment, or a modification, replacement, or upgrade of an
213 onsite sewage treatment and disposal system is not required for
214 a remodeling addition or modification to a single-family home if
215 a bedroom is not added. However, a remodeling addition or
216 modification to a single-family home may not cover any part of
217 the existing system or encroach upon a required setback or the
218 unobstructed area. To determine if a setback or the unobstructed
219 area is impacted, the local health department shall review and
220 verify a floor plan and site plan of the proposed remodeling
221 addition or modification to the home submitted by a remodeler
222 which shows the location of the system, including the distance
223 of the remodeling addition or modification to the home from the
224 onsite sewage treatment and disposal system. The local health
225 department may visit the site or otherwise determine the best
226 means of verifying the information submitted. A verification of
227 the location of a system is not an inspection or evaluation and
228 assessment of the system. The review and verification must be
229 completed within 7 business days after receipt by the local
230 health department of a floor plan and site plan. If the review
231 and verification is not completed within such time, the
232 remodeling addition or modification to the single-family home,

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233 for the purposes of this paragraph, is approved.

234 Section 3. Subsection (3) of section 489.105, Florida
235 Statutes, is amended to read:

236 489.105 Definitions.—As used in this part:

237 (3) "Contractor" means the person who is qualified for, and
238 is only responsible for, the project contracted for and means,
239 except as exempted in this part, the person who, for
240 compensation, undertakes to, submits a bid to, or does himself
241 or herself or by others construct, repair, alter, remodel, add
242 to, demolish, subtract from, or improve any building or
243 structure, including related improvements to real estate, for
244 others or for resale to others; and whose job scope is
245 substantially similar to the job scope described in one of the
246 paragraphs of this subsection. For the purposes of regulation
247 under this part, the term "demolish" applies only to demolition
248 of steel tanks more than 50 feet in height; towers more than 50
249 feet in height; other structures more than 50 feet in height,
250 other than buildings or residences more than three stories tall;
251 and ~~all~~ buildings or residences more than three stories tall.

252 Contractors are subdivided into two divisions, Division I,
253 consisting of those contractors defined in paragraphs (a)-(c),
254 and Division II, consisting of those contractors defined in
255 paragraphs (d)-(q):

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

261 (b) "Building contractor" means a contractor whose services

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262 are limited to construction of commercial buildings and single-
263 dwelling or multiple-dwelling residential buildings, which do
264 not exceed three stories in height, and accessory use structures
265 in connection therewith or a contractor whose services are
266 limited to remodeling, repair, or improvement of any size
267 building if the services do not affect the structural members of
268 the building.

269 (c) "Residential contractor" means a contractor whose
270 services are limited to construction, remodeling, repair, or
271 improvement of one-family, two-family, or three-family
272 residences not exceeding two habitable stories above no more
273 than one uninhabitable story and accessory use structures in
274 connection therewith.

275 (d) "Sheet metal contractor" means a contractor whose
276 services are unlimited in the sheet metal trade and who has the
277 experience, knowledge, and skill necessary for the manufacture,
278 fabrication, assembling, handling, erection, installation,
279 dismantling, conditioning, adjustment, insulation, alteration,
280 repair, servicing, or design, if not prohibited by law, of
281 ferrous or nonferrous metal work of U.S. No. 10 gauge or its
282 equivalent or lighter gauge and of other materials, including,
283 but not limited to, fiberglass, used in lieu thereof and of air-
284 handling systems, including the setting of air-handling
285 equipment and reinforcement of same, the balancing of air-
286 handling systems, and any duct cleaning and equipment sanitizing
287 that requires at least a partial disassembling of the system.

288 (e) "Roofing contractor" means a contractor whose services
289 are unlimited in the roofing trade and who has the experience,
290 knowledge, and skill to install, maintain, repair, alter,

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291 extend, or design, if not prohibited by law, and use materials
292 and items used in the installation, maintenance, extension, and
293 alteration of all kinds of roofing, waterproofing, and coating,
294 except when coating is not represented to protect, repair,
295 waterproof, stop leaks, or extend the life of the roof. The
296 scope of work of a roofing contractor also includes skylights
297 and any related work, required roof-deck attachments, and any
298 repair or replacement of wood roof sheathing or fascia as needed
299 during roof repair or replacement and any related work.

300 (f) "Class A air-conditioning contractor" means a
301 contractor whose services are unlimited in the execution of
302 contracts requiring the experience, knowledge, and skill to
303 install, maintain, repair, fabricate, alter, extend, or design,
304 if not prohibited by law, central air-conditioning,
305 refrigeration, heating, and ventilating systems, including duct
306 work in connection with a complete system if such duct work is
307 performed by the contractor as necessary to complete an air-
308 distribution system, boiler and unfired pressure vessel systems,
309 and all appurtenances, apparatus, or equipment used in
310 connection therewith, and any duct cleaning and equipment
311 sanitizing that requires at least a partial disassembling of the
312 system; to install, maintain, repair, fabricate, alter, extend,
313 or design, if not prohibited by law, piping, insulation of
314 pipes, vessels and ducts, pressure and process piping, and
315 pneumatic control piping; to replace, disconnect, or reconnect
316 power wiring on the load side of the dedicated existing
317 electrical disconnect switch; to install, disconnect, and
318 reconnect low voltage heating, ventilating, and air-conditioning
319 control wiring; and to install a condensate drain from an air-

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320 conditioning unit to an existing safe waste or other approved
321 disposal other than a direct connection to a sanitary system.
322 The scope of work for such contractor also includes any
323 excavation work incidental thereto, but does not include any
324 work such as liquefied petroleum or natural gas fuel lines
325 within buildings, except for disconnecting or reconnecting
326 changeouts of liquefied petroleum or natural gas appliances
327 within buildings; potable water lines or connections thereto;
328 sanitary sewer lines; swimming pool piping and filters; or
329 electrical power wiring. A Class A air-conditioning contractor
330 may test and evaluate central air-conditioning, refrigeration,
331 heating, and ventilating systems, including duct work; however,
332 a mandatory licensing requirement is not established for the
333 performance of these specific services.

334 (g) "Class B air-conditioning contractor" means a
335 contractor whose services are limited to 25 tons of cooling and
336 500,000 Btu of heating in any one system in the execution of
337 contracts requiring the experience, knowledge, and skill to
338 install, maintain, repair, fabricate, alter, extend, or design,
339 if not prohibited by law, central air-conditioning,
340 refrigeration, heating, and ventilating systems, including duct
341 work in connection with a complete system only to the extent
342 such duct work is performed by the contractor as necessary to
343 complete an air-distribution system being installed under this
344 classification, and any duct cleaning and equipment sanitizing
345 that requires at least a partial disassembling of the system; to
346 install, maintain, repair, fabricate, alter, extend, or design,
347 if not prohibited by law, piping and insulation of pipes,
348 vessels, and ducts; to replace, disconnect, or reconnect power

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349 wiring on the load side of the dedicated existing electrical
350 disconnect switch; to install, disconnect, and reconnect low
351 voltage heating, ventilating, and air-conditioning control
352 wiring; and to install a condensate drain from an air-
353 conditioning unit to an existing safe waste or other approved
354 disposal other than a direct connection to a sanitary system.
355 The scope of work for such contractor also includes any
356 excavation work incidental thereto, but does not include any
357 work such as liquefied petroleum or natural gas fuel lines
358 within buildings, except for disconnecting or reconnecting
359 changeouts of liquefied petroleum or natural gas appliances
360 within buildings; potable water lines or connections thereto;
361 sanitary sewer lines; swimming pool piping and filters; or
362 electrical power wiring. A Class B air-conditioning contractor
363 may test and evaluate central air-conditioning, refrigeration,
364 heating, and ventilating systems, including duct work; however,
365 a mandatory licensing requirement is not established for the
366 performance of these specific services.

367 (h) "Class C air-conditioning contractor" means a
368 contractor whose business is limited to the servicing of air-
369 conditioning, heating, or refrigeration systems, including any
370 duct cleaning and equipment sanitizing that requires at least a
371 partial disassembling of the system, and whose certification or
372 registration, issued pursuant to this part, was valid on October
373 1, 1988. Only a person who was registered or certified as a
374 Class C air-conditioning contractor as of October 1, 1988, shall
375 be so registered or certified after October 1, 1988. However,
376 the board shall continue to license and regulate those Class C
377 air-conditioning contractors who held Class C licenses before

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378 October 1, 1988.

379 (i) "Mechanical contractor" means a contractor whose
380 services are unlimited in the execution of contracts requiring
381 the experience, knowledge, and skill to install, maintain,
382 repair, fabricate, alter, extend, or design, if not prohibited
383 by law, central air-conditioning, refrigeration, heating, and
384 ventilating systems, including duct work in connection with a
385 complete system if such duct work is performed by the contractor
386 as necessary to complete an air-distribution system, boiler and
387 unfired pressure vessel systems, lift station equipment and
388 piping, and all appurtenances, apparatus, or equipment used in
389 connection therewith, and any duct cleaning and equipment
390 sanitizing that requires at least a partial disassembling of the
391 system; to install, maintain, repair, fabricate, alter, extend,
392 or design, if not prohibited by law, piping, insulation of
393 pipes, vessels and ducts, pressure and process piping, pneumatic
394 control piping, gasoline tanks and pump installations and piping
395 for same, standpipes, air piping, vacuum line piping, oxygen
396 lines, nitrous oxide piping, ink and chemical lines, fuel
397 transmission lines, liquefied petroleum gas lines within
398 buildings, and natural gas fuel lines within buildings; to
399 replace, disconnect, or reconnect power wiring on the load side
400 of the dedicated existing electrical disconnect switch; to
401 install, disconnect, and reconnect low voltage heating,
402 ventilating, and air-conditioning control wiring; and to install
403 a condensate drain from an air-conditioning unit to an existing
404 safe waste or other approved disposal other than a direct
405 connection to a sanitary system. The scope of work for such
406 contractor also includes any excavation work incidental thereto,

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407 but does not include any work such as potable water lines or
408 connections thereto, sanitary sewer lines, swimming pool piping
409 and filters, or electrical power wiring. A mechanical contractor
410 may test and evaluate central air-conditioning, refrigeration,
411 heating, and ventilating systems, including duct work; however,
412 a mandatory licensing requirement is not established for the
413 performance of these specific services.

414 (j) "Commercial pool/spa contractor" means a contractor
415 whose scope of work involves, but is not limited to, the
416 construction, repair, and servicing of any swimming pool, or hot
417 tub or spa, whether public, private, or otherwise, regardless of
418 use. The scope of work includes the installation, repair, or
419 replacement of existing equipment, any cleaning or equipment
420 sanitizing that requires at least a partial disassembling,
421 excluding filter changes, and the installation of new pool/spa
422 equipment, interior finishes, the installation of package pool
423 heaters, the installation of all perimeter piping and filter
424 piping, and the construction of equipment rooms or housing for
425 pool/spa equipment, and also includes the scope of work of a
426 swimming pool/spa servicing contractor. The scope of such work
427 does not include direct connections to a sanitary sewer system
428 or to potable water lines. The installation, construction,
429 modification, or replacement of equipment permanently attached
430 to and associated with the pool or spa for the purpose of water
431 treatment or cleaning of the pool or spa requires licensure;
432 however, the usage of such equipment for the purposes of water
433 treatment or cleaning does not require licensure unless the
434 usage involves construction, modification, or replacement of
435 such equipment. Water treatment that does not require such

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436 equipment does not require a license. In addition, a license is
437 not required for the cleaning of the pool or spa in a way that
438 does not affect the structural integrity of the pool or spa or
439 its associated equipment.

440 (k) "Residential pool/spa contractor" means a contractor
441 whose scope of work involves, but is not limited to, the
442 construction, repair, and servicing of a residential swimming
443 pool, or hot tub or spa, regardless of use. The scope of work
444 includes the installation, repair, or replacement of existing
445 equipment, any cleaning or equipment sanitizing that requires at
446 least a partial disassembling, excluding filter changes, and the
447 installation of new pool/spa equipment, interior finishes, the
448 installation of package pool heaters, the installation of all
449 perimeter piping and filter piping, and the construction of
450 equipment rooms or housing for pool/spa equipment, and also
451 includes the scope of work of a swimming pool/spa servicing
452 contractor. The scope of such work does not include direct
453 connections to a sanitary sewer system or to potable water
454 lines. The installation, construction, modification, or
455 replacement of equipment permanently attached to and associated
456 with the pool or spa for the purpose of water treatment or
457 cleaning of the pool or spa requires licensure; however, the
458 usage of such equipment for the purposes of water treatment or
459 cleaning does not require licensure unless the usage involves
460 construction, modification, or replacement of such equipment.
461 Water treatment that does not require such equipment does not
462 require a license. In addition, a license is not required for
463 the cleaning of the pool or spa in a way that does not affect
464 the structural integrity of the pool or spa or its associated

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465 equipment.

466 (1) "Swimming pool/spa servicing contractor" means a
467 contractor whose scope of work involves, but is not limited to,
468 the repair and servicing of a swimming pool, or hot tub or spa,
469 whether public or private, or otherwise, regardless of use. The
470 scope of work includes the repair or replacement of existing
471 equipment, any cleaning or equipment sanitizing that requires at
472 least a partial disassembling, excluding filter changes, and the
473 installation of new pool/spa equipment, interior refinishing,
474 the reinstallation or addition of pool heaters, the repair or
475 replacement of all perimeter piping and filter piping, the
476 repair of equipment rooms or housing for pool/spa equipment, and
477 the substantial or complete draining of a swimming pool, or hot
478 tub or spa, for the purpose of repair or renovation. The scope
479 of such work does not include direct connections to a sanitary
480 sewer system or to potable water lines. The installation,
481 construction, modification, substantial or complete disassembly,
482 or replacement of equipment permanently attached to and
483 associated with the pool or spa for the purpose of water
484 treatment or cleaning of the pool or spa requires licensure;
485 however, the usage of such equipment for the purposes of water
486 treatment or cleaning does not require licensure unless the
487 usage involves construction, modification, substantial or
488 complete disassembly, or replacement of such equipment. Water
489 treatment that does not require such equipment does not require
490 a license. In addition, a license is not required for the
491 cleaning of the pool or spa in a way that does not affect the
492 structural integrity of the pool or spa or its associated
493 equipment.

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494 (m) "Plumbing contractor" means a contractor whose services
495 are unlimited in the plumbing trade and includes contracting
496 business consisting of the execution of contracts requiring the
497 experience, financial means, knowledge, and skill to install,
498 maintain, repair, alter, extend, or, if not prohibited by law,
499 design plumbing. A plumbing contractor may install, maintain,
500 repair, alter, extend, or, if not prohibited by law, design the
501 following without obtaining an additional local regulatory
502 license, certificate, or registration: sanitary drainage or
503 storm drainage facilities, water and sewer plants and
504 substations, venting systems, public or private water supply
505 systems, septic tanks, drainage and supply wells, swimming pool
506 piping, irrigation systems, and solar heating water systems and
507 all appurtenances, apparatus, or equipment used in connection
508 therewith, including boilers and pressure process piping and
509 including the installation of water, natural gas, liquefied
510 petroleum gas and related venting, and storm and sanitary sewer
511 lines. The scope of work of the plumbing contractor also
512 includes the design, if not prohibited by law, and installation,
513 maintenance, repair, alteration, or extension of air-piping,
514 vacuum line piping, oxygen line piping, nitrous oxide piping,
515 and all related medical gas systems; fire line standpipes and
516 fire sprinklers if authorized by law; ink and chemical lines;
517 fuel oil and gasoline piping and tank and pump installation,
518 except bulk storage plants; and pneumatic control piping
519 systems, all in a manner that complies with all plans,
520 specifications, codes, laws, and regulations applicable. The
521 scope of work of the plumbing contractor applies to private
522 property and public property, including any excavation work

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523 incidental thereto, and includes the work of the specialty
524 plumbing contractor. Such contractor shall subcontract, with a
525 qualified contractor in the field concerned, all other work
526 incidental to the work but which is specified as being the work
527 of a trade other than that of a plumbing contractor. This
528 definition does not limit the scope of work of any specialty
529 contractor certified pursuant to s. 489.113(6), and does not
530 require certification or registration under this part of a
531 person licensed under chapter 527 or any authorized employee of
532 a public natural gas utility or of a private natural gas utility
533 regulated by the Public Service Commission when disconnecting
534 and reconnecting water lines in the servicing or replacement of
535 an existing water heater. A plumbing contractor may perform
536 drain cleaning and clearing and install or repair rainwater
537 catchment systems; however, a mandatory licensing requirement is
538 not established for the performance of these specific services.

539 (n) "Underground utility and excavation contractor" means a
540 contractor whose services are limited to the construction,
541 installation, and repair, on public or private property, whether
542 accomplished through open excavations or through other means,
543 including, but not limited to, directional drilling, auger
544 boring, jacking and boring, trenchless technologies, wet and dry
545 taps, grouting, and slip lining, of main sanitary sewer
546 collection systems, main water distribution systems, storm sewer
547 collection systems, and the continuation of utility lines from
548 the main systems to a point of termination up to and including
549 the meter location for the individual occupancy, sewer
550 collection systems at property line on residential or single-
551 occupancy commercial properties, or on multioccupancy properties

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552 at manhole or wye lateral extended to an invert elevation as
553 engineered to accommodate future building sewers, water
554 distribution systems, or storm sewer collection systems at storm
555 sewer structures. However, an underground utility and excavation
556 contractor may install empty underground conduits in rights-of-
557 way, easements, platted rights-of-way in new site development,
558 and sleeves for parking lot crossings no smaller than 2 inches
559 in diameter if each conduit system installed is designed by a
560 licensed professional engineer or an authorized employee of a
561 municipality, county, or public utility and the installation of
562 such conduit does not include installation of any conductor
563 wiring or connection to an energized electrical system. An
564 underground utility and excavation contractor may not install
565 piping that is an integral part of a fire protection system as
566 defined in s. 633.021 beginning at the point where the piping is
567 used exclusively for such system.

568 (o) "Solar contractor" means a contractor whose services
569 consist of the installation, alteration, repair, maintenance,
570 relocation, or replacement of solar panels for potable solar
571 water heating systems, swimming pool solar heating systems, and
572 photovoltaic systems and any appurtenances, apparatus, or
573 equipment used in connection therewith, whether public, private,
574 or otherwise, regardless of use. A contractor, certified or
575 registered pursuant to this chapter, is not required to become a
576 certified or registered solar contractor or to contract with a
577 solar contractor in order to provide services enumerated in this
578 paragraph that are within the scope of the services such
579 contractors may render under this part.

580 (p) "Pollutant storage systems contractor" means a

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581 contractor whose services are limited to, and who has the
582 experience, knowledge, and skill to install, maintain, repair,
583 alter, extend, or design, if not prohibited by law, and use
584 materials and items used in the installation, maintenance,
585 extension, and alteration of, pollutant storage tanks. Any
586 person installing a pollutant storage tank shall perform such
587 installation in accordance with the standards adopted pursuant
588 to s. 376.303.

589 (q) "Specialty contractor" means a contractor whose scope
590 of work and responsibility is limited to a particular phase of
591 construction established in a category adopted by board rule and
592 whose scope is limited to a subset of the activities described
593 in one of the paragraphs of this subsection.

594 Section 4. The amendments to s. 489.113(2), Florida
595 Statutes, by section 11 of chapter 2012-13, Laws of Florida, are
596 remedial in nature and intended to clarify existing law. This
597 section applies retroactively to any action initiated or pending
598 on or after March 23, 2012.

599 Section 5. Paragraphs (c) and (f) of subsection (5) and
600 subsection (6) of section 489.127, Florida Statutes, are amended
601 to read:

602 489.127 Prohibitions; penalties.-

603 (5) Each county or municipality may, at its option,
604 designate one or more of its code enforcement officers, as
605 defined in chapter 162, to enforce, as set out in this
606 subsection, the provisions of subsection (1) and s. 489.132(1)
607 against persons who engage in activity for which a county or
608 municipal certificate of competency or license or state
609 certification or registration is required.

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610 (c) The local governing body of the county or municipality
611 ~~may is authorized to~~ enforce codes and ordinances against
612 unlicensed contractors under the provisions of this subsection
613 and may enact an ordinance establishing procedures for
614 implementing this subsection, including a schedule of penalties
615 to be assessed by the code enforcement officer. The maximum
616 civil penalty which may be levied may ~~shall~~ not exceed \$2,000
617 ~~\$500~~. Moneys collected pursuant to this subsection shall be
618 retained locally, as provided for by local ordinance, and may be
619 set aside in a specific fund to support future enforcement
620 activities against unlicensed contractors.

621 (f) If the enforcement or licensing board or designated
622 special magistrate finds that a violation exists, the
623 enforcement or licensing board or designated special magistrate
624 may order the violator to pay a civil penalty of not less than
625 the amount set forth on the citation but not more than \$1,500
626 ~~\$1,000~~ per day for each violation. In determining the amount of
627 the penalty, the enforcement or licensing board or designated
628 special magistrate shall consider the following factors:

- 629 1. The gravity of the violation.
- 630 2. Any actions taken by the violator to correct the
631 violation.
- 632 3. Any previous violations committed by the violator.

633 (6) Local building departments may collect outstanding
634 fines against registered or certified contractors issued by the
635 Construction Industry Licensing Board and may retain 75 ~~25~~
636 percent of the fines they are able to collect, provided that
637 they transmit 25 ~~75~~ percent of the fines they are able to
638 collect to the department according to a procedure to be

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639 determined by the department.

640 Section 6. Paragraph (a) of subsection (7) of section
641 489.131, Florida Statutes, is amended to read:

642 489.131 Applicability.-

643 (7) (a) It is the policy of the state that the purpose of
644 regulation is to protect the public by attaining compliance with
645 the policies established in law. Fines and other penalties are
646 provided in order to ensure compliance; ~~however, the collection~~
647 ~~of fines and the imposition of penalties are intended to be~~
648 ~~secondary to the primary goal of attaining compliance with state~~
649 ~~laws and local jurisdiction ordinances. It is the intent of the~~
650 ~~Legislature that a local jurisdiction agency charged with~~
651 ~~enforcing regulatory laws shall issue a notice of noncompliance~~
652 ~~as its first response to a minor violation of a regulatory law~~
653 ~~in any instance in which it is reasonable to assume that the~~
654 ~~violator was unaware of such a law or unclear as to how to~~
655 ~~comply with it. A violation of a regulatory law is a "minor~~
656 ~~violation" if it does not result in economic or physical harm to~~
657 ~~a person or adversely affect the public health, safety, or~~
658 ~~welfare or create a significant threat of such harm. A "notice~~
659 ~~of noncompliance" is a notification by the local jurisdiction~~
660 ~~agency charged with enforcing the ordinance, which is issued to~~
661 ~~the licensee that is subject to the ordinance. A notice of~~
662 ~~noncompliance should not be accompanied with a fine or other~~
663 ~~disciplinary penalty. It should identify the specific ordinance~~
664 ~~that is being violated, provide information on how to comply~~
665 ~~with the ordinance, and specify a reasonable time for the~~
666 ~~violator to comply with the ordinance. Failure of a licensee to~~
667 ~~take action correcting the violation within a set period of time~~

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668 ~~would then result in the institution of further disciplinary~~
669 ~~proceedings.~~

670 Section 7. Section 489.514, Florida Statutes, is amended to
671 read:

672 489.514 Certification for registered contractors;
673 grandfathering provisions.—

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

677 (a) To an applying registered electrical contractor, a
678 certificate as an electrical contractor, as defined in s.
679 489.505(12); ~~or~~

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

683 (c) To an applying registered electrical specialty
684 contractor, a certificate in the matching electrical specialty
685 contractor category, as defined in s. 489.505(19).

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

689 (a) Currently holds a valid registered local license in the
690 category of electrical contractor, alarm system contractor, or
691 electrical specialty contractor.

692 (b) Has, for that category, passed a written, proctored
693 examination that the board finds to be substantially similar to
694 the examination required to be licensed as a certified
695 contractor under this part. For purposes of this subsection, a
696 written, proctored examination such as that produced by the

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697 National Assessment Institute, Block and Associates, NAI/Block,
698 Experior Assessments, Professional Testing, Inc., or Assessment
699 Systems, Inc., shall be considered to be substantially similar
700 to the examination required to be licensed as a certified
701 contractor. The board may not impose or make any requirements
702 regarding the nature or content of these cited examinations.

703 (c) Has at least 5 years of experience as a contractor in
704 that contracting category, or as an inspector or building
705 administrator with oversight over that category, at the time of
706 application. For contractors, only time periods in which the
707 contractor license is active and the contractor is not on
708 probation ~~shall~~ count toward the 5 years required under this
709 subsection.

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

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

716 (3) An applicant must make application by November 1, 2015
717 ~~2004~~, to be licensed pursuant to this section.

718 Section 8. Paragraph (c) of subsection (4) of section
719 489.531, Florida Statutes, is amended to read:

720 489.531 Prohibitions; penalties.-

721 (4) Each county or municipality may, at its option,
722 designate one or more of its code enforcement officers, as
723 defined in chapter 162, to enforce, as set out in this
724 subsection, the provisions of subsection (1) against persons who
725 engage in activity for which county or municipal certification

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726 is required.

727 (c) The local governing body of the county or municipality
728 ~~may is authorized to~~ enforce codes and ordinances against
729 unlicensed contractors under the provisions of this section and
730 may enact an ordinance establishing procedures for implementing
731 this section, including a schedule of penalties to be assessed
732 by the code enforcement officers. The maximum civil penalty
733 which may be levied may shall not exceed \$2,000 ~~\$500~~. Moneys
734 collected pursuant to this section shall be retained locally as
735 provided for by local ordinance and may be set aside in a
736 specific fund to support future enforcement activities against
737 unlicensed contractors.

738 Section 9. Subsection (17) of section 553.73, Florida
739 Statutes, is amended to read:

740 553.73 Florida Building Code.—

741 (17) A provision ~~The provisions of section R313 of the most~~
742 ~~current version~~ of the International Residential Code relating
743 to mandated fire sprinklers may not be incorporated into the
744 Florida Building Code as adopted by the Florida Building
745 Commission and may not be adopted as a local amendment to the
746 Florida Building Code. This subsection does not prohibit the
747 application of cost-saving incentives for residential fire
748 sprinklers that are authorized in the International Residential
749 Code upon a mutual agreement between the builder and the code
750 official. This subsection does not apply to a local government
751 that has a lawfully adopted ordinance relating to fire
752 sprinklers which has been in effect since January 1, 2010.

753 Section 10. Subsection (1) of section 553.74, Florida
754 Statutes, is amended to read:

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755 553.74 Florida Building Commission.—

756 (1) The Florida Building Commission is created and located
757 within the Department of Business and Professional Regulation
758 for administrative purposes. Members are ~~shall be~~ appointed by
759 the Governor subject to confirmation by the Senate. The
760 commission is ~~shall be~~ composed of 26 ~~25~~ members, consisting of
761 the following:

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

766 (b) One structural engineer registered to practice in this
767 state and actively engaged in the profession. The Florida
768 Engineering Society is encouraged to recommend a list of
769 candidates for consideration.

770 (c) One air-conditioning or mechanical contractor certified
771 to do business in this state and actively engaged in the
772 profession. The Florida Air Conditioning Contractors
773 Association, the Florida Refrigeration and Air Conditioning
774 Contractors Association, and the Mechanical Contractors
775 Association of Florida are encouraged to recommend a list of
776 candidates for consideration.

777 (d) One electrical contractor certified to do business in
778 this state and actively engaged in the profession. The Florida
779 Electrical Contractors Association and the National Electrical
780 Contractors Association, Florida Chapter, are encouraged to
781 recommend a list of candidates for consideration.

782 (e) One member from fire protection engineering or
783 technology who is actively engaged in the profession. The

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784 Florida Chapter of the Society of Fire Protection Engineers and
785 the Florida Fire Marshals and Inspectors Association are
786 encouraged to recommend a list of candidates for consideration.

787 (f) One general contractor certified to do business in this
788 state and actively engaged in the profession. The Associated
789 Builders and Contractors of Florida, the Florida Associated
790 General Contractors Council, and the Union Contractors
791 Association are encouraged to recommend a list of candidates for
792 consideration.

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

797 (h) One roofing or sheet metal contractor certified to do
798 business in this state and actively engaged in the profession.
799 The Florida Roofing, Sheet Metal, and Air Conditioning
800 Contractors Association and the Sheet Metal and Air Conditioning
801 Contractors National Association are encouraged to recommend a
802 list of candidates for consideration.

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

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

812 (k) One member who represents the Department of Financial

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813 Services.

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

817 (m) One member of a Florida-based organization of persons
818 with disabilities or a nationally chartered organization of
819 persons with disabilities with chapters in this state.

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

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

828 (p) One member who is a representative of a municipality or
829 a charter county. The Florida League of Cities and the Florida
830 Association of Counties are encouraged to recommend a list of
831 candidates for consideration.

832 (q) One member of the building products manufacturing
833 industry who is authorized to do business in this state and is
834 actively engaged in the industry. The Florida Building Material
835 Association, the Florida Concrete and Products Association, and
836 the Fenestration Manufacturers Association are encouraged to
837 recommend a list of candidates for consideration.

838 (r) One member who is a representative of the building
839 owners and managers industry who is actively engaged in
840 commercial building ownership or management. The Building Owners
841 and Managers Association is encouraged to recommend a list of

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842 candidates for consideration.

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

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

847 (u) One member who is a swimming pool contractor licensed
848 to do business in this state and actively engaged in the
849 profession. The Florida Swimming Pool Association and the United
850 Pool and Spa Association are encouraged to recommend a list of
851 candidates for consideration.

852 (v) One member who is a representative of the green
853 building industry and who is a third-party commission agent, a
854 Florida board member of the United States Green Building Council
855 or Green Building Initiative, a professional who is accredited
856 under the International Green Construction Code (IGCC), or a
857 professional who is accredited under Leadership in Energy and
858 Environmental Design (LEED).

859 (w) One member who is a representative of a natural gas
860 distribution system and who is actively engaged in the
861 distribution of natural gas in this state. The Florida Natural
862 Gas Association is encouraged to recommend a list of candidates
863 for consideration.

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

865
866 Any person serving on the commission under paragraph (c) or
867 paragraph (h) on October 1, 2003, and who has served less than
868 two full terms is eligible for reappointment to the commission
869 regardless of whether he or she meets the new qualification.

870 Section 11. Subsection (18) is added to section 553.79,

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871 Florida Statutes, to read:

872 553.79 Permits; applications; issuance; inspections.-

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

878 Section 12. Paragraph (a) of subsection (5) of section
879 553.842, Florida Statutes, is amended to read:

880 553.842 Product evaluation and approval.-

881 (5) Statewide approval of products, methods, or systems of
882 construction may be achieved by one of the following methods.
883 One of these methods must be used by the commission to approve
884 the following categories of products: panel walls, exterior
885 doors, roofing, skylights, windows, shutters, impact protective
886 systems, and structural components as established by the
887 commission by rule. A product may not be advertised, sold,
888 offered, provided, distributed, or marketed as hurricane,
889 windstorm, or impact protection from wind-borne debris from a
890 hurricane or windstorm unless it is approved pursuant to this
891 section or s. 553.8425. Any person who advertises, sells,
892 offers, provides, distributes, or markets a product as
893 hurricane, windstorm, or impact protection from wind-borne
894 debris without such approval is subject to the Florida Deceptive
895 and Unfair Trade Practices Act under part II of chapter 501
896 brought by the enforcing authority as defined in s. 501.203.

897 (a) Products for which the code establishes standardized
898 testing or comparative or rational analysis methods shall be
899 approved by submittal and validation of one of the following

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900 reports or listings indicating that the product or method or
901 system of construction was in compliance with the Florida
902 Building Code and that the product or method or system of
903 construction is, for the purpose intended, at least equivalent
904 to that required by the Florida Building Code:

- 905 1. A certification mark or listing of an approved
906 certification agency, which may be used only for products for
907 which the code designates standardized testing;
- 908 2. A test report from an approved testing laboratory;
- 909 3. A product evaluation report based upon testing or
910 comparative or rational analysis, or a combination thereof, from
911 an approved product evaluation entity; or
- 912 4. A product evaluation report based upon testing or
913 comparative or rational analysis, or a combination thereof,
914 developed and signed and sealed by a professional engineer or
915 architect, licensed in this state.

916

917 A product evaluation report or a certification mark or listing
918 of an approved certification agency which demonstrates that the
919 product or method or system of construction complies with the
920 Florida Building Code for the purpose intended is equivalent to
921 a test report and test procedure referenced in the Florida
922 Building Code. An application for state approval of a product
923 under subparagraph 1. or 3. must be approved by the department
924 after the commission staff or a designee verifies that the
925 application and related documentation are complete. This
926 verification must be completed within 10 business days after
927 receipt of the application. Upon approval by the department, the
928 product shall be immediately added to the list of state-approved

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929 products maintained under subsection (13). Approvals by the
930 department shall be reviewed and ratified by the commission's
931 program oversight committee except for a showing of good cause
932 that a review by the full commission is necessary. The
933 commission shall adopt rules providing means to cure
934 deficiencies identified within submittals for products approved
935 under this paragraph.

936 Section 13. Section 553.901, Florida Statutes, is amended
937 to read:

938 553.901 Purpose of thermal efficiency code.—The Department
939 of Business and Professional Regulation shall prepare a thermal
940 efficiency code to provide for a statewide uniform standard for
941 energy efficiency in the thermal design and operation of all
942 buildings statewide, consistent with energy conservation goals,
943 and to best provide for public safety, health, and general
944 welfare. The Florida Building Commission shall adopt the Florida
945 Building Code-Energy Conservation ~~Florida Energy Efficiency Code~~
946 ~~for Building Construction within the Florida Building Code~~, and
947 shall modify, revise, update, and maintain the code to implement
948 the provisions of this thermal efficiency code and amendments
949 thereto, in accordance with the procedures of chapter 120. The
950 department shall, at least triennially, determine the most cost-
951 effective energy-saving equipment and techniques available and
952 report its determinations to the commission, which shall update
953 the code to incorporate such equipment and techniques. The
954 proposed changes shall be made available for public review and
955 comment no later than 6 months before ~~prior to~~ code
956 implementation. The term "cost-effective," as used in ~~for the~~
957 ~~purposes of this part~~, means ~~shall be construed to mean~~ cost-

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958 effective to the consumer.

959 Section 14. Section 553.902, Florida Statutes, is reordered
960 and amended to read:

961 553.902 Definitions.—As used in ~~For the purposes of~~ this
962 part, the term:

963 (2) ~~(1)~~ "Exempted building" means:

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

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

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

972 (d) A ~~Any~~ historical building as described in s.
973 267.021(3).

974

975 The Florida Building Commission may recommend to the Legislature
976 additional types of buildings which should be exempted from
977 compliance with the Florida Building Code-Energy Conservation
978 ~~Florida Energy Efficiency Code for Building Construction~~.

979 (4) ~~(2)~~ "HVAC" means a system of heating, ventilating, and
980 air-conditioning.

981 (6) ~~(3)~~ "Renovated building" means a residential or
982 nonresidential building undergoing alteration that varies or
983 changes insulation, HVAC systems, water heating systems, or
984 exterior envelope conditions, if ~~provided~~ the estimated cost of
985 renovation exceeds 30 percent of the assessed value of the
986 structure.

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987 (5)~~(4)~~ "Local enforcement agency" means the agency of local
988 government which has the authority to make inspections of
989 buildings and to enforce the Florida Building Code. The term ~~it~~
990 includes any agency within the definition of s. 553.71(5).

991 (3)~~(5)~~ "Exterior envelope physical characteristics" means
992 the physical nature of those elements of a building which
993 enclose conditioned spaces through which energy may be
994 transferred to or from the exterior.

995 (1)~~(6)~~ "Energy performance level" means the indicator of
996 the energy-related performance of a building, including, but not
997 limited to, the levels of insulation, the amount and type of
998 glass, and the HVAC and water heating system efficiencies.

999 Section 15. Section 553.903, Florida Statutes, is amended
1000 to read:

1001 553.903 Applicability.—This part applies ~~shall apply~~ to all
1002 new and renovated buildings in the state, except exempted
1003 buildings, for which building permits are obtained after March
1004 15, 1979, and to the installation or replacement of building
1005 systems and components with new products for which thermal
1006 efficiency standards are set by the Florida Building Code—Energy
1007 Conservation ~~Florida Energy Efficiency Code for Building~~
1008 ~~Construction~~. The provisions of this part shall constitute a
1009 statewide uniform code.

1010 Section 16. Section 553.904, Florida Statutes, is amended
1011 to read:

1012 553.904 Thermal efficiency standards for new nonresidential
1013 buildings.—Thermal designs and operations for new nonresidential
1014 buildings for which building permits are obtained after March
1015 15, 1979, must ~~shall~~ at a minimum take into account exterior

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1016 envelope physical characteristics, including thermal mass; HVAC,
1017 service water heating, energy distribution, lighting, energy
1018 managing, and auxiliary systems design and selection; and HVAC,
1019 service water heating, energy distribution, lighting, energy
1020 managing, and auxiliary equipment performance, and are ~~shall~~ not
1021 ~~be~~ required to meet standards more stringent than the provisions
1022 of the Florida Building Code-Energy Conservation ~~Florida Energy~~
1023 ~~Efficiency Code for Building Construction~~.

1024 Section 17. Section 553.905, Florida Statutes, is amended
1025 to read:

1026 553.905 Thermal efficiency standards for new residential
1027 buildings.—Thermal designs and operations for new residential
1028 buildings for which building permits are obtained after March
1029 15, 1979, must ~~shall~~ at a minimum take into account exterior
1030 envelope physical characteristics, HVAC system selection and
1031 configuration, HVAC equipment performance, and service water
1032 heating design and equipment selection and are ~~shall~~ not ~~be~~
1033 required to meet standards more stringent than the provisions of
1034 the Florida Building Code-Energy Conservation ~~Florida Energy~~
1035 ~~Efficiency Code for Building Construction~~. HVAC equipment
1036 mounted in an attic or a garage is ~~shall~~ not ~~be~~ required to have
1037 supplemental insulation in addition to that installed by the
1038 manufacturer. All new residential buildings, except those herein
1039 exempted, must ~~shall~~ have insulation in ceilings rated at R-19
1040 or more, space permitting. Thermal efficiency standards do not
1041 apply to a building of less than 1,000 square feet which is not
1042 primarily used as a principal residence and which is constructed
1043 and owned by a natural person for hunting or similar
1044 recreational purposes; however, ~~no~~ such person may not build

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1045 more than one exempt building in any 12-month period.

1046 Section 18. Section 553.906, Florida Statutes, is amended
1047 to read:

1048 553.906 Thermal efficiency standards for renovated
1049 buildings.—Thermal designs and operations for renovated
1050 buildings for which building permits are obtained after March
1051 15, 1979, must ~~shall~~ take into account insulation; windows;
1052 infiltration; and HVAC, service water heating, energy
1053 distribution, lighting, energy managing, and auxiliary systems
1054 design and equipment selection and performance. Such buildings
1055 are ~~shall~~ not ~~be~~ required to meet standards more stringent than
1056 the provisions of the Florida Building Code-Energy Conservation
1057 ~~Florida Energy Efficiency Code for Building Construction~~. These
1058 standards apply only to those portions of the structure which
1059 are actually renovated.

1060 Section 19. Section 553.912, Florida Statutes, is amended
1061 to read:

1062 553.912 Air conditioners.—All air conditioners that are
1063 sold or installed in the state must ~~shall~~ meet the minimum
1064 efficiency ratings of the Florida Building Code-Energy
1065 Conservation ~~Energy Efficiency Code for Building Construction~~.
1066 These efficiency ratings must ~~shall~~ be minimums and may be
1067 updated in the Florida Building Code-Energy Conservation ~~Florida~~
1068 ~~Energy Efficiency Code for Building Construction~~ by the
1069 department in accordance with s. 553.901, following its
1070 determination that more cost-effective energy-saving equipment
1071 and techniques are available. It is the intent of the
1072 Legislature that all replacement air-conditioning systems be
1073 installed using energy-saving, quality installation procedures

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1074 in residential, including, but not limited to, equipment sizing
1075 analysis and duct inspection. Notwithstanding this section,
1076 existing heating and cooling equipment in residential
1077 applications need not meet the minimum equipment efficiencies,
1078 including system sizing and duct sealing, except to preserve the
1079 original approval or listing of the equipment.

1080 Section 20. Section 553.991, Florida Statutes, is amended
1081 to read:

1082 553.991 Purpose.—The purpose of this part is to identify
1083 systems ~~provide for a statewide uniform system~~ for rating the
1084 energy efficiency of buildings. It is in the interest of the
1085 state to encourage the consideration of ~~the~~ energy-efficiency
1086 rating systems ~~system~~ in the market so as to provide market
1087 rewards for energy-efficient buildings and to those persons or
1088 companies designing, building, or selling energy-efficient
1089 buildings.

1090 Section 21. Section 553.992, Florida Statutes, is repealed.

1091 Section 22. Section 553.993, Florida Statutes, is amended
1092 to read:

1093 553.993 Definitions.—For purposes of this part:

1094 (1) "Acquisition" means to gain the sole or partial use of
1095 a building through a purchase agreement.

1096 (2) "Builder" means the primary contractor who possesses
1097 the requisite skill, knowledge, and experience, and has the
1098 responsibility, to supervise, direct, manage, and control the
1099 contracting activities of the business organization with which
1100 she or he is connected and who has the responsibility to
1101 supervise, direct, manage, and control the construction work on
1102 a job for which she or he has obtained the building permit.

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1103 Construction work includes, but is not limited to, foundation,
1104 framing, wiring, plumbing, and finishing work.

1105 (3) "Building energy-efficiency rating system" means a
1106 whole building energy evaluation system established by the
1107 Residential Energy Services Network, the Commercial Energy
1108 Services Network, the Building Performance Institute, or the
1109 Florida Solar Energy Center.

1110 (4)~~(3)~~ "Designer" means the architect, engineer, landscape
1111 architect, builder, interior designer, or other person who
1112 performs the actual design work or under whose direct
1113 supervision and responsible charge the construction documents
1114 are prepared.

1115 (5) "Energy auditor" means a trained and certified
1116 professional who conducts energy evaluations of an existing
1117 building and uses tools to identify the building's current
1118 energy usage and the condition of the building and equipment.

1119 (6) "Energy-efficiency rating" means an unbiased indication
1120 of a building's relative energy efficiency based on consistent
1121 inspection procedures, operating assumptions, climate data, and
1122 calculation methods.

1123 (7) "Energy rater" means an individual certified by a
1124 building energy-efficiency rating system to perform building
1125 energy-efficiency ratings for the 810 building type and in the
1126 rating class for which the rater is certified.

1127 (8)~~(4)~~ "New building" means commercial occupancy buildings
1128 permitted for construction after January 1, 1995, and
1129 residential occupancy buildings permitted for construction after
1130 January 1, 1994.

1131 (9)~~(5)~~ "Public building" means a building comfort-

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1132 conditioned for occupancy that is owned or leased by the state,
1133 a state agency, or a governmental subdivision, including, but
1134 not limited to, a city, county, or school district.

1135 Section 23. Section 553.994, Florida Statutes, is amended
1136 to read:

1137 553.994 Applicability.—Building energy-efficiency ~~The~~
1138 rating systems ~~system shall~~ apply to all public, commercial, and
1139 residential buildings in the state.

1140 Section 24. Section 553.995, Florida Statutes, is amended
1141 to read:

1142 553.995 Energy-efficiency ratings for buildings.—

1143 (1) Building ~~The~~ energy-efficiency rating systems must,
1144 ~~system shall~~ at a minimum:

1145 ~~(a) Provide a uniform rating scale of the efficiency of~~
1146 ~~buildings based on annual energy usage.~~

1147 (a) ~~(b)~~ Take into account local climate conditions,
1148 construction practices, and building use.

1149 (b) ~~(e)~~ Be compatible with standard federal rating systems
1150 and state building codes and standards, where applicable, and
1151 shall satisfy the requirements of s. 553.9085 with respect to
1152 residential buildings and s. 255.256 with respect to state
1153 buildings.

1154 (c) ~~(2)~~ ~~The energy-efficiency rating system adopted by the~~
1155 ~~department shall~~ Provide a means of analyzing and ~~comparing~~ the
1156 relative energy efficiency of buildings upon the sale of new or
1157 existing residential, public, or commercial buildings.

1158 ~~(3) The department shall establish a voluntary working~~
1159 ~~group of persons interested in the energy-efficiency rating~~
1160 ~~system or energy efficiency, including, but not limited to, such~~

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1161 ~~persons as electrical engineers, mechanical engineers,~~
1162 ~~architects, public utilities, and builders. The interest group~~
1163 ~~shall advise the department in the development of the energy-~~
1164 ~~efficiency rating system and shall assist the department in the~~
1165 ~~implementation of the rating system by coordinating educational~~
1166 ~~programs for designers, builders, businesses, and other~~
1167 ~~interested persons to assist compliance and to facilitate~~
1168 ~~incorporation of the rating system into existing practices.~~

1169 ~~(2) (a) (4) The department shall develop a training and~~
1170 ~~certification program to certify raters. In addition to the~~
1171 ~~department, Ratings may be conducted by a any local government~~
1172 ~~or private entity if, provided that the appropriate persons have~~
1173 ~~completed the necessary training established by the applicable~~
1174 ~~building energy-efficiency rating system and have been certified~~
1175 ~~by the department.~~

1176 ~~(b) The Department of Management Services shall rate state-~~
1177 ~~owned or state-leased buildings if, provided that the~~
1178 ~~appropriate persons have completed the necessary training~~
1179 ~~established by the applicable building energy-efficiency rating~~
1180 ~~system and have been certified by the Department of Business and~~
1181 ~~Professional Regulation.~~

1182 ~~(c) A state agency that ~~which~~ has building construction~~
1183 ~~regulation authority may rate its own buildings and those it is~~
1184 ~~responsible for, if the appropriate persons have completed the~~
1185 ~~necessary training established by the applicable building~~
1186 ~~energy-efficiency rating system and have been certified by the~~
1187 ~~Department of Business and Professional Regulation. The~~
1188 ~~Department of Business and Professional Regulation may charge a~~
1189 ~~fee not to exceed the costs for the training and certification~~

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1190 ~~of raters. The department shall by rule set the appropriate~~
1191 ~~charges for raters to charge for energy ratings, not to exceed~~
1192 ~~the actual costs.~~

1193 Section 25. Section 553.996, Florida Statutes, is amended
1194 to read:

1195 553.996 Energy-efficiency information provided by building
1196 energy-efficiency rating systems providers brochure.-A
1197 prospective purchaser of real property with a building for
1198 occupancy located thereon shall be provided ~~with a copy of an~~
1199 ~~information brochure,~~ at the time of or before ~~prior to~~ the
1200 purchaser's execution of the contract for sale and purchase
1201 which notifies, ~~notifying~~ the purchaser of the option for an
1202 energy-efficiency rating on the building. Building energy-
1203 efficiency rating system providers identified in this part shall
1204 prepare such information and make it available for distribution
1205 ~~Such brochure shall be prepared, made available for~~
1206 ~~distribution, and provided at no cost by the department. Such~~
1207 ~~brochure shall contain~~ information relevant to that class of
1208 building must include, ~~including,~~ but need not be limited to:

1209 (1) How to analyze the building's energy-efficiency rating.

1210 (2) Comparisons to statewide averages for new and existing
1211 construction of that class.

1212 (3) Information concerning methods to improve the
1213 building's energy-efficiency rating.

1214 (4) A notice to residential purchasers that the energy-
1215 efficiency rating may qualify the purchaser for an energy-
1216 efficient mortgage from lending institutions.

1217 Section 26. Subsection (2) of section 553.997, Florida
1218 Statutes, is amended to read:

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1219 553.997 Public buildings.—

1220 (2) ~~The department, together with other~~ State agencies
1221 having building construction and maintenance responsibilities,
1222 shall make available energy-efficiency practices information to
1223 be used by individuals involved in the design, construction,
1224 retrofitting, and maintenance of buildings for state and local
1225 governments.

1226 Section 27. Section 553.998, Florida Statutes, is amended
1227 to read:

1228 553.998 Compliance.—All ratings must ~~shall~~ be determined
1229 using tools and procedures developed by the systems recognized
1230 under this part ~~adopted by the department by rule in accordance~~
1231 ~~with chapter 120~~ and must ~~shall~~ be certified by the rater as
1232 accurate and correct and in compliance with procedures of the
1233 system under which the rater is certified ~~adopted by the~~
1234 ~~department by rule in accordance with chapter 120.~~

1235 Section 28. Concrete Masonry Products Research, Education,
1236 and Promotion Act.—

1237 (1) SHORT TITLE.—This section may be cited as the "Concrete
1238 Masonry Products Research, Education, and Promotion Act."

1239 (2) FLORIDA CONCRETE MASONRY COUNCIL, INC.; CREATION;
1240 PURPOSES.—

1241 (a) There is created the Florida Concrete Masonry Council,
1242 Inc., a nonprofit corporation organized under the laws of this
1243 state and operating as a direct-support organization of the
1244 Florida Building Commission.

1245 (b) The council shall:

1246 1. Develop, implement, and monitor a system for the
1247 definition of masonry products and for the collection of self-

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1248 imposed voluntary assessments.

1249 2. Plan, implement, and conduct programs of education,
1250 promotion, research, and consumer information and industry
1251 information which are designed to strengthen the market position
1252 of the concrete masonry industry in this state and in the
1253 nation, to maintain and expand domestic and foreign markets, and
1254 to expand the uses for concrete masonry products.

1255 3. Use the means authorized by this subsection for the
1256 purpose of funding research, education, promotion, and consumer
1257 and industry information of concrete masonry products in this
1258 state and in the nation.

1259 4. Coordinate research, education, promotion, industry, and
1260 consumer information programs with national programs or programs
1261 of other states.

1262 5. Develop new uses and markets for concrete masonry
1263 products.

1264 6. Develop and improve educational access to individuals
1265 seeking employment in the field of concrete masonry.

1266 7. Develop methods of improving the quality of concrete
1267 masonry products for the purpose of windstorm protection.

1268 8. Develop methods of improving the energy efficiency
1269 attributes of concrete masonry products.

1270 9. Inform and educate the public concerning the
1271 sustainability and economic benefits of concrete masonry
1272 products.

1273 10. Do all other acts necessary or expedient for the
1274 administration of the affairs and attainment of the purposes of
1275 the council.

1276 (c) The council may:

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1277 1. Conduct or contract for scientific research with any
1278 accredited university, college, or similar institution and enter
1279 into other contracts or agreements that will aid in carrying out
1280 the purposes of this section, including contracts for the
1281 purchase or acquisition of facilities or equipment necessary to
1282 carry out the purposes of this section.

1283 2. Disseminate reliable information benefiting the consumer
1284 and the concrete masonry industry.

1285 3. Provide to governmental bodies, on request, information
1286 relating to subjects of concern to the concrete masonry industry
1287 and act jointly or in cooperation with the state or Federal
1288 Government, and agencies thereof, in the development or
1289 administration of programs that the council considers to be
1290 consistent with the objectives of this section.

1291 4. Sue and be sued as a council without individual
1292 liability of the members for acts of the council when acting
1293 within the scope of the powers of this section and in the manner
1294 prescribed by the laws of this state.

1295 5. Maintain a financial reserve for emergency use, the
1296 total of which must not exceed 50 percent of the council's
1297 anticipated annual income.

1298 6. Employ subordinate officers and employees of the
1299 council, prescribe their duties, and fix their compensation and
1300 terms of employment.

1301 7. Cooperate with any local, state, regional, or nationwide
1302 organization or agency engaged in work or activities consistent
1303 with the objectives of the program.

1304 8. Do all other things necessary to further the intent of
1305 this section which are not prohibited by law.

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1306 (d) The council and concrete masonry manufacturers may meet
1307 and coordinate the collection of self-imposed voluntary
1308 assessments for each concrete masonry unit that is produced and
1309 sold by manufacturers in the state.

1310 (e)1. The council may not participate or intervene in any
1311 political campaign on behalf of or in opposition to any
1312 candidate for public office or any state or local ballot
1313 initiative. This restriction includes, but is not limited to, a
1314 prohibition against publishing or distributing any statement.

1315 2. The net receipts of the council may not in any part
1316 inure to the benefit of or be distributable to its directors,
1317 its officers, or other private persons, except that the council
1318 may pay reasonable compensation for services rendered by staff
1319 employees and may make payments and distributions in furtherance
1320 of the purposes of this section.

1321 3. Notwithstanding any other provision of law, the council
1322 may not carry on any other activity not permitted to be carried
1323 on by a corporation:

1324 a. That is exempt from federal income tax under s.
1325 501(c)(3) of the Internal Revenue Code; or

1326 b. To which charitable contributions are deductible under
1327 s. 170(c)(2) of the Internal Revenue Code.

1328 (3) GOVERNING BOARD.—

1329 (a) The Florida Concrete Masonry Council, Inc., shall be
1330 governed by a board of directors composed of 15 members as
1331 follows:

1332 1. Nine members representing concrete masonry
1333 manufacturers. Of these board members, at least five must be a
1334 representative of a manufacturer that is a member of the Masonry

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1335 Association of Florida. These members must be representatives of
1336 concrete masonry manufacturers of various sizes. A manufacturer
1337 may not be represented by more than one member of the board.

1338 2. One member representing the Florida Building Commission.

1339 3. One member representing the Florida Home Builders
1340 Association.

1341 4. One member having expertise in apprenticeship or
1342 vocational training.

1343 5. Two members who are masonry contractors and who are
1344 members of the Masonry Association of Florida.

1345 6. One member who is not a masonry contractor or
1346 manufacturer or an employee of a masonry contractor or
1347 manufacturer, but who is otherwise a stakeholder in the masonry
1348 industry.

1349 (b) The initial board of directors shall be appointed by
1350 the chair of the commission based on recommendations from the
1351 Masonry Association of Florida. Five of the initial board
1352 members shall be appointed to a 1-year term. Five shall be
1353 appointed for a 2-year term. The remaining board members shall
1354 be appointed for a 3-year term. Thereafter, each member shall be
1355 appointed to serve a 3-year term and may be reappointed to serve
1356 an additional consecutive term. After the initial appointments
1357 are made, each subsequent vacancy shall be filled in accordance
1358 with the bylaws of the council. A member may not serve more than
1359 two consecutive terms. A member representing a manufacturer or a
1360 contractor must be employed by a manufacturer or contractor
1361 engaging in the trade of manufacture of concrete masonry
1362 products for at least 5 years immediately preceding the first
1363 day of his or her service on the board. All members of the board

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1364 shall serve without compensation. However, the board members are
1365 entitled to reimbursement for per diem and travel expenses
1366 incurred in carrying out the intents and purposes of this
1367 section in accordance with s. 112.061, Florida Statutes.

1368 (c) The council shall elect from its members a chair, vice
1369 chair, and a secretary-treasurer to a 2-year term each. The
1370 chair of the board must be a concrete masonry manufacturer.

1371 (d) The initial board of directors shall adopt bylaws to
1372 govern initial terms of directors, governance of board members
1373 and meetings, term limits, and procedures for filling vacancies.

1374 (4) ACCEPTANCE OF GRANTS AND GIFTS.—The council may accept
1375 grants, donations, contributions, or gifts from any source if
1376 the use of such resources is not restricted in any manner that
1377 the council considers to be inconsistent with the objectives of
1378 this section.

1379 (5) PAYMENTS TO ORGANIZATIONS.—

1380 (a) The council may make payments to other organizations
1381 for work or services performed which are consistent with the
1382 objectives of the program.

1383 (b) Before making payments described in this subsection,
1384 the council must secure a written agreement that the
1385 organization receiving payment will furnish at least annually,
1386 or more frequently on request of the council, written or printed
1387 reports of program activities and reports of financial data that
1388 are relative to the council's funding of such activities.

1389 (c) The council may require adequate proof of security
1390 bonding on the payments to any individual, business, or other
1391 organization.

1392 (6) COLLECTION OF MONEYS AT TIME OF SALE.—

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1393 (a) If a self-imposed voluntary assessment is paid by a
1394 manufacturer, each manufacturer shall list on its invoice to the
1395 purchaser, at the time of sale by the manufacturer, such
1396 assessment. The amount of the assessment must be separately
1397 stated on all receipts, invoices, or other evidence of sale as
1398 the "Florida Building Sustainability Assessment."

1399 (b) Each manufacturer that elects to self-impose a
1400 voluntary assessment shall commit to the assessment for a period
1401 of not less than 1 year and shall annually be authorized to
1402 renew or end the self-imposed voluntary assessment.

1403 (c) The manufacturer shall collect all such moneys and
1404 forward them quarterly to the council.

1405 (d) The council shall maintain within its financial records
1406 a separate accounting of all moneys received under this
1407 subsection. The council shall provide for an annual financial
1408 audit of its accounts and records to be conducted by an
1409 independent certified public accountant licensed under chapter
1410 473.

1411 (7) BYLAWS.—The council shall, by September 30, 2013, adopt
1412 bylaws to carry out the intents and purposes of this section.
1413 These bylaws may be amended upon 30 days' notice to board
1414 members at any regular or special meeting called for this
1415 purpose. The bylaws must conform to the requirements of this
1416 section but may also address any matter not in conflict with the
1417 general laws of this state.

1418 Section 29. This act shall take effect July 1, 2013.