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CS/HB 481

2024 Legislature

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 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 a specified effective date for provisions
 6 relating to HVAC manufacturer's warranty transfers;
 7 prohibiting HVAC manufacturer's warranties from being
 8 conditioned upon the product registration; providing
 9 applicability; removing provisions relating to HVAC
 10 manufacturer's warranty registration; creating s.
 11 559.957, F.S.; providing the effective date for
 12 certain HVAC systems and components warranties under a
 13 specified circumstance; providing required information
 14 for warranty and product registration cards and forms;
 15 prohibiting HVAC systems and components warranties
 16 from being conditioned upon the product registration;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Paragraphs (f), (g), and (i) of subsection (3)
 22 of section 489.105, Florida Statutes, are amended to read:

23 489.105 Definitions.—As used in this part:

24 (3) "Contractor" means the person who is qualified for,
 25 and is only responsible for, the project contracted for and

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

41 | (f) "Class A air-conditioning contractor" means a
 42 | contractor whose services are unlimited in the execution of
 43 | contracts requiring the experience, knowledge, and skill to
 44 | install, maintain, repair, fabricate, alter, extend, or design,
 45 | if not prohibited by law, central air-conditioning,
 46 | refrigeration, heating, and ventilating systems, including duct
 47 | work in connection with a complete system if such duct work is
 48 | performed by the contractor as necessary to complete an air-
 49 | distribution system, boiler and unfired pressure vessel systems,
 50 | and all appurtenances, apparatus, or equipment used in

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

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76 | is not established for the performance of these specific
 77 | services.

78 | (g) "Class B air-conditioning contractor" means a
 79 | contractor whose services are limited to 25 tons of cooling and
 80 | 500,000 Btu of heating in any one system in the execution of
 81 | contracts requiring the experience, knowledge, and skill to
 82 | install, maintain, repair, fabricate, alter, extend, or design,
 83 | if not prohibited by law, central air-conditioning,
 84 | refrigeration, heating, and ventilating systems, including duct
 85 | work in connection with a complete system only to the extent
 86 | such duct work is performed by the contractor as necessary to
 87 | complete an air-distribution system being installed under this
 88 | classification, and any duct cleaning and equipment sanitizing
 89 | that requires at least a partial disassembling of the system; to
 90 | install, maintain, repair, fabricate, alter, extend, or design,
 91 | if not prohibited by law, piping and insulation of pipes,
 92 | vessels, and ducts; to replace, disconnect, or reconnect power
 93 | wiring on the line or load side of the dedicated existing
 94 | electrical disconnect switch on single phase electrical systems;
 95 | to repair or replace power wiring, disconnects, breakers, or
 96 | fuses for dedicated HVAC circuits with proper use of a circuit
 97 | breaker lock; to install, disconnect, and reconnect low voltage
 98 | heating, ventilating, and air-conditioning control wiring; and
 99 | to install a condensate drain from an air-conditioning unit to
 100 | an existing safe waste or other approved disposal other than a

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

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

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

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151 these specific services.

152 Section 2. Section 559.956, Florida Statutes, is amended
 153 to read:

154 559.956 ~~Registrations and~~ Transfers of heating,
 155 ventilation, and air-conditioning system manufacturer
 156 warranties; ~~required contractor documentation.~~

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

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

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

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

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

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

174 (5) This section applies if:

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

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176 system as a fixture to the property occurs on or after July 1,
 177 2024.

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

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

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

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

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

193 Section 3. Section 559.957, Florida Statutes, is created
 194 to read:

195 559.957 Registration of heating, ventilation, and air-
 196 conditioning systems; prohibition against warranty conditioned
 197 upon registration.—

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

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

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

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

210 (b) Failure to complete and return the card or form does
 211 not diminish any warranty rights or decrease the warranty
 212 length.

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

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