

1 A bill to be entitled  
2 An act relating to building construction and inspection;  
3 amending s. 120.541, F.S.; exempting rules that adopt  
4 federal standards and certain updates of or amendments to  
5 the Florida Building Code or Florida Fire Prevention Code  
6 from a requirement that the Legislature ratify any rule  
7 that has an adverse impact or regulatory costs which  
8 exceed certain criteria; deleting an exemption for  
9 emergency rules and rules that adopt federal standards  
10 from a requirement that an agency's statement of a rule's  
11 estimated regulatory costs include an economic analysis of  
12 the rule's adverse impacts and regulatory costs; amending  
13 s. 161.053, F.S.; prohibiting the Florida Building  
14 Commission from adopting rules that limit any exceptions  
15 or exemptions provided for modifications or repairs of  
16 existing structures within the limits of an existing  
17 foundation under certain circumstances; amending s.  
18 162.12, F.S.; authorizing notices relating to a code  
19 violation to be sent by certified mail to the property  
20 owner at an address provided to the local government for  
21 the purposes of receiving notices or to the registered  
22 agent of a corporation for property owned by a  
23 corporation; deleting a requirement for such notices to be  
24 sent by first-class mail; amending s. 255.252, F.S.;  
25 conforming provisions to changes made by the act; amending  
26 s. 255.253, F.S.; redefining the term "sustainable  
27 building rating" to include a national model green  
28 building code; amending ss. 255.257 and 255.2575, F.S.;

29 requiring that state agencies, local governments, and the  
30 court system adopt a sustainable building rating system or  
31 use a national model green building code for new and  
32 renovated buildings; amending s. 468.8316, F.S.; revising  
33 the continuing education requirements for licensed home  
34 inspectors; amending s. 468.8319, F.S.; deleting an  
35 obsolete provision; amending s. 468.8323, F.S.; clarifying  
36 a provision relating to the contents of a home inspection  
37 report; amending s. 468.8324, F.S.; providing alternative  
38 criteria for obtaining a home inspector's license;  
39 removing certain application requirements for a person who  
40 performs home inspection services and who qualifies for  
41 licensure on or before a specified date; amending s.  
42 468.841, F.S.; adding licensed home inspectors to those  
43 who are exempt from complying with provisions related to  
44 mold assessment; amending s. 481.329, F.S.; providing that  
45 part II of ch. 481, F.S., does not preclude any person who  
46 engages in the business of landscape design from  
47 submitting such plans to governmental agencies for  
48 approval; amending s. 489.103, F.S.; clarifying an  
49 exemption from construction contracting regulation  
50 relating to Habitat for Humanity; amending s. 489.105,  
51 F.S.; adding the term "glass and glazing contractors" to  
52 the definition of the term "contractor"; amending ss.  
53 489.107 and 489.141, F.S.; conforming cross-references;  
54 amending s. 514.028, F.S.; revising the composition of the  
55 advisory review board relating to public swimming pools  
56 and bathing facilities; amending s. 527.06, F.S.;

57 prohibiting the Department of Agriculture and Consumer  
58 Services and other state agencies from requiring  
59 compliance with certain national standards for liquefied  
60 petroleum gas tanks unless the department or agencies  
61 require compliance with a specified edition of the  
62 national standards; providing for repeal under certain  
63 circumstances; amending s. 527.21, F.S.; revising the term  
64 "propane" for purposes of the Florida Propane Gas  
65 Education, Safety, and Research Act, to incorporate  
66 changes to certain national standards in a reference  
67 thereto; amending s. 553.502, F.S.; revising intent with  
68 respect to the Florida Americans with Disabilities Act;  
69 amending s. 553.503, F.S.; incorporating the Americans  
70 with Disabilities Act Standards for Accessible Design into  
71 state law by reference and directing that they be adopted  
72 by rule into the Florida Accessibility Code for Building  
73 Construction; amending s. 553.504, F.S.; revising  
74 exceptions to incorporate the standards; amending s.  
75 553.5041, F.S.; revising provisions relating to parking  
76 spaces for persons who have disabilities to incorporate  
77 the standards; amending ss. 553.505 and 553.506, F.S.;  
78 conforming provisions to changes made by the act; amending  
79 s. 553.507, F.S.; providing for the applicability of the  
80 act; amending s. 553.509, F.S.; revising provisions  
81 relating to vertical accessibility to incorporate the  
82 standards; providing that buildings and facilities in this  
83 state do not have to comply with the changes provided by  
84 this act until the Florida Accessibility Code for Building

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85        Construction is updated; amending s. 553.73, F.S.;

86        revising requirements relating to the Florida Building

87        Code; specifying national codes to form the foundation for

88        state building standards and codes; revising provisions

89        for the amendment or modification of the foundation code;

90        revising the criteria for approval by the Florida Building

91        Commission of technical amendments to the code; exempting

92        certain storage sheds from door height and width

93        requirements; amending s. 553.74, F.S.; revising

94        requirements for selecting a member of the Florida

95        Building Commission; amending s. 553.842, F.S.; providing

96        for the approval of certain windstorm products; providing

97        a cause of action against any person who advertises,

98        sells, offers, provides, distributes, or markets certain

99        products without approval; amending s. 553.9061, F.S.;

100       revising requirements for increases in the energy

101       efficiency standards of the Florida Building Code;

102       amending s. 553.909, F.S.; revising the requirements and

103       effective dates for certain pool-related equipment;

104       amending s. 627.711, F.S.; revising requirements relating

105       to home inspectors conducting hurricane mitigation

106       inspections; providing an effective date.

107

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

109

110        Section 1. Subsection (4) of section 120.541, Florida

111        Statutes, as amended by chapter 2010-279, Laws of Florida, is

112        amended to read:

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113 120.541 Statement of estimated regulatory costs.—

114 (3) If the adverse impact or regulatory costs of the rule  
115 exceed any of the criteria established in paragraph (2) (a), the  
116 rule shall be submitted to the President of the Senate and  
117 Speaker of the House of Representatives no later than 30 days  
118 prior to the next regular legislative session, and the rule may  
119 not take effect until it is ratified by the Legislature.

120 (4) Subsection (3) ~~Paragraph (2) (a)~~ does not apply to the  
121 adoption of:

122 (a) emergency rules pursuant to s. 120.54(4) or the  
123 ~~adoption of~~ Federal standards pursuant to s. 120.54(6).

124 (b) Triennial updates of and amendments to the Florida  
125 Building Code which are expressly authorized by s. 553.73.

126 (c) Triennial updates of and amendments to the Florida  
127 Fire Prevention Code which are expressly authorized by s.  
128 633.0215.

129 Section 2. Paragraph (a) of subsection (11) of section  
130 161.053, Florida Statutes, is amended to read:

131 161.053 Coastal construction and excavation; regulation on  
132 county basis.—

133 (11) (a) The coastal construction control requirements  
134 defined in subsection (1) and the requirements of the erosion  
135 projections in subsection (5) do not apply to any modification,  
136 maintenance, or repair of any existing structure within the  
137 limits of the existing foundation which does not require,  
138 involve, or include any additions to, or repair or modification  
139 of, the existing foundation of that structure. Specifically  
140 excluded from this exemption are seawalls or other rigid coastal

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141 or shore protection structures and any additions or enclosures  
142 added, constructed, or installed below the first dwelling floor  
143 or lowest deck of the existing structure. The Florida Building  
144 Commission may not adopt any rule having the effect of limiting  
145 any exceptions or exemptions contained within this paragraph.

146 Section 3. Section 162.12, Florida Statutes, is amended to  
147 read:

148 162.12 Notices.—

149 (1) All notices required by this part shall be provided to  
150 the alleged violator by:

151 (a) Certified mail, return receipt requested to, ~~provided~~  
152 ~~if such notice is sent under this paragraph to the owner of the~~  
153 ~~property in question at the address listed in the tax~~  
154 ~~collector's office for tax notices or to, and at any other~~  
155 ~~address provided by the property owner in writing to the local~~  
156 ~~government for the purposes of receiving notices. For property~~  
157 ~~owned by a corporation, notices may be provided by certified~~  
158 ~~mail, return receipt requested, to the registered agent of the~~  
159 ~~corporation. If any notice sent by certified mail by such owner~~  
160 ~~and is not signed as received within 30 days after the date of~~  
161 ~~mailing returned as unclaimed or refused, notice may be provided~~  
162 ~~by posting as described in subparagraphs (2) (b)1. and 2. and by~~  
163 ~~first class mail directed to the addresses furnished to the~~  
164 ~~local government with a properly executed proof of mailing or~~  
165 ~~affidavit confirming the first class mailing;~~

166 (b) Hand delivery by the sheriff or other law enforcement  
167 officer, code inspector, or other person designated by the local  
168 governing body;

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169 (c) Leaving the notice at the violator's usual place of  
170 residence with any person residing therein who is above 15 years  
171 of age and informing such person of the contents of the notice;  
172 or

173 (d) In the case of commercial premises, leaving the notice  
174 with the manager or other person in charge.

175 (2) In addition to providing notice as set forth in  
176 subsection (1), at the option of the code enforcement board,  
177 notice may also be served by publication or posting, as follows:

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

184 2. Proof of publication shall be made as provided in ss.  
185 50.041 and 50.051.

186 (b)1. In lieu of publication as described in paragraph  
187 (a), such notice may be posted at least 10 days prior to the  
188 hearing, or prior to the expiration of any deadline contained in  
189 the notice, in at least two locations, one of which shall be the  
190 property upon which the violation is alleged to exist and the  
191 other of which shall be, in the case of municipalities, at the  
192 primary municipal government office, and in the case of  
193 counties, at the front door of the courthouse or the main county  
194 governmental center in said county.

195 2. Proof of posting shall be by affidavit of the person  
196 posting the notice, which affidavit shall include a copy of the

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notice posted and the date and places of its posting.

(c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1). Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), is ~~shall~~ be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

Section 4. Subsections (3) and (4) of section 255.252, Florida Statutes, are amended to read:

255.252 Findings and intent.—

(3) In order for ~~that such~~ energy-efficiency and sustainable materials considerations to become a function of building design and a model for future application in the private sector, it is ~~shall be~~ the policy of the state that buildings constructed and financed by the state be designed and constructed to comply with a sustainable building rating or a national model green building code ~~the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department.~~ It is further the policy of the state, if ~~when~~ economically feasible, to retrofit existing state-owned buildings in a manner that ~~minimizes which will minimize~~ the consumption of energy used in



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the operation and maintenance of such buildings.

(4) In addition to designing and constructing new buildings to be energy-efficient, it is ~~shall be~~ the policy of the state to operate and maintain state facilities in a manner that minimizes ~~which will minimize~~ energy consumption and maximizes ~~maximize~~ building sustainability, and to operate as well as ensure that ~~facilities leased by the state are operated~~ so as to minimize energy use. It is further the policy of the state that the renovation of existing state facilities be in accordance with a sustainable building rating or a national model green building code ~~the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department.~~ State agencies are encouraged to consider shared savings financing of ~~such~~ energy-efficiency and conservation projects, using contracts that ~~which~~ split the resulting savings for a specified period of time between the state agency and the private firm or cogeneration contracts and that ~~which~~ otherwise permit the state to lower its net energy costs. Such energy contracts may be funded from the operating budget.

Section 5. Subsection (7) of section 255.253, Florida Statutes, is amended to read:

255.253 Definitions; ss. 255.251-255.258.—

(7) "Sustainable building rating or national model green building code" ~~rating~~ means a rating system established by the

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253 United States Green Building Council (USGBC) Leadership in  
254 Energy and Environmental Design (LEED) rating system, the  
255 International Green Construction Code (IGCC), the Green Building  
256 Initiative's Green Globes rating system, the Florida Green  
257 Building Coalition standards, or a nationally recognized, high-  
258 performance green building rating system as approved by the  
259 department.

260 Section 6. Subsection (4) of section 255.257, Florida  
261 Statutes, is amended to read:

262 255.257 Energy management; buildings occupied by state  
263 agencies.—

264 (4) ADOPTION OF STANDARDS.—

265 (a) All state agencies shall adopt a sustainable building  
266 rating system or use a national model green building code ~~the~~  
267 ~~United States Green Building Council (USGBC) Leadership in~~  
268 ~~Energy and Environmental Design (LEED) rating system, the Green~~  
269 ~~Building Initiative's Green Globes rating system, the Florida~~  
270 ~~Green Building Coalition standards, or a nationally recognized,~~  
271 ~~high-performance green building rating system as approved by the~~  
272 ~~department~~ for all new buildings and renovations to existing  
273 buildings.

274 (b) No state agency shall enter into new leasing  
275 agreements for office space that does not meet Energy Star  
276 building standards, except when ~~determined by~~ the appropriate  
277 state agency head determines that no other viable or cost-  
278 effective alternative exists.

279 (c) All state agencies shall develop energy conservation  
280 measures and guidelines for new and existing office space where

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281 state agencies occupy more than 5,000 square feet. These  
282 conservation measures shall focus on programs that may reduce  
283 energy consumption and, when established, provide a net  
284 reduction in occupancy costs.

285 Section 7. Subsection (2) of section 255.2575, Florida  
286 Statutes, is amended to read:

287 255.2575 Energy-efficient and sustainable buildings.—

288 (2) All county, municipal, school district, water  
289 management district, state university, community college, and  
290 ~~Florida~~ state court buildings shall be constructed to comply  
291 with a sustainable building rating system or a national model  
292 green building code ~~meet the United States Green Building~~  
293 ~~Council (USGBC) Leadership in Energy and Environmental Design~~  
294 ~~(LEED) rating system, the Green Building Initiative's Green~~  
295 ~~Globes rating system, the Florida Green Building Coalition~~  
296 ~~standards, or a nationally recognized, high-performance green~~  
297 ~~building rating system as approved by the Department of~~  
298 ~~Management Services.~~ This section applies ~~shall apply~~ to all  
299 county, municipal, school district, water management district,  
300 state university, community college, and ~~Florida~~ state court  
301 buildings the architectural plans of which are commenced after  
302 July 1, 2008.

303 Section 8. Subsection (1) of section 468.8316, Florida  
304 Statutes, is amended to read:

305 468.8316 Continuing education.—

306 (1) The department may not renew a license until the  
307 licensee submits proof satisfactory to the department that  
308 during the 2 years before ~~prior to his or her~~ application for

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renewal the licensee ~~has~~ completed at least 14 hours of continuing education. Of the 14 hours, at least 2 hours must be in hurricane mitigation training that includes hurricane mitigation techniques and compliance with the uniform mitigation verification inspection form developed under s. 627.711(2). The department shall adopt rules establishing criteria for approving continuing education providers and courses ~~course content shall be approved by the department by rule.~~

Section 9. Subsection (3) of section 468.8319, Florida Statutes, is amended to read:

468.8319 Prohibitions; penalties.—

~~(3) This section does not apply to unlicensed activity as described in paragraph (1)(a), paragraph(1)(b), or s. 455.228 that occurs before July 1, 2011.~~

Section 10. Paragraph (b) of subsection (1) of section 468.8323, Florida Statutes, is amended to read:

468.8323 Home inspection report.—Upon completion of each home inspection for compensation, the home inspector shall provide a written report prepared for the client.

(1) The home inspector shall report:

(b) If not self-evident, a reason why the system or component reported under paragraph (a) is significantly deficient or near the end of its service life.

Section 11. Subsections (3) and (4) of section 468.8324, Florida Statutes, are renumbered as subsections (2) and (3), respectively, and present subsections (1) and (2) of that section are amended to read:

468.8324 Grandfather clause.—

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337       (1) A person who performs home inspection services may  
338 qualify for licensure as a home inspector under this part if the  
339 person submits an application to the department postmarked on or  
340 before July 1, 2012, which shows that the applicant:

341       (a) Possesses certification as a one and two family  
342 dwelling inspector issued by the International Code Council or  
343 the Southern Building Code Congress International;

344       (b) Has been certified as a one and two family dwelling  
345 inspector by the Florida Building Code Administrators and  
346 Inspectors Board under part XII of this chapter; or

347       (c) Possesses a Division I contractor license under part I  
348 of chapter 489.

349       ~~(1) A person who performs home inspection services as~~  
350 ~~defined in this part may qualify for licensure by the department~~  
351 ~~as a home inspector if the person submits an application to the~~  
352 ~~department postmarked on or before March 1, 2011, which shows~~  
353 ~~that the applicant:~~

354       ~~(a) Is certified as a home inspector by a state or~~  
355 ~~national association that requires, for such certification,~~  
356 ~~successful completion of a proctored examination on home~~  
357 ~~inspection services and completes at least 14 hours of~~  
358 ~~verifiable education on such services; or~~

359       ~~(b) Has at least 3 years of experience as a home inspector~~  
360 ~~at the time of application and has completed 14 hours of~~  
361 ~~verifiable education on home inspection services. To establish~~  
362 ~~the 3 years of experience, an applicant must submit at least 120~~  
363 ~~home inspection reports prepared by the applicant.~~

364       ~~(2) The department may investigate the validity of a home~~

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~~inspection report submitted under paragraph (1)(b) and, if the applicant submits a false report, may take disciplinary action against the applicant under s. 468.832(1)(e) or (g).~~

Section 12. Paragraph (d) of subsection (1) of section 468.841, Florida Statutes, is amended to read:

468.841 Exemptions.—

(1) The following persons are not required to comply with any provisions of this part relating to mold assessment:

(d) Persons or business organizations acting within the scope of the respective licenses required under part XV of chapter 468, chapter 471, part I of chapter 481, chapter 482, chapter 489, or part XV of this chapter, are acting on behalf of an insurer under part VI of chapter 626, or are persons in the manufactured housing industry who are licensed under chapter 320, except when any such persons or business organizations hold themselves out for hire to the public as a "certified mold assessor," "registered mold assessor," "licensed mold assessor," "mold assessor," "professional mold assessor," or any combination thereof stating or implying licensure under this part.

Section 13. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) Nothing in this part prohibits any person from engaging in the practice of landscape design, as defined in s. 481.303(7), nor submitting such plans to governmental agencies for approval. Persons providing landscape design services shall not use the title, term, or designation "landscape architect,"

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393 "landscape architectural," "landscape architecture," "L.A.,"  
394 "landscape engineering," or any description tending to convey  
395 the impression that she or he is a landscape architect unless  
396 she or he is registered as provided in this part.

397 Section 14. Subsection (18) of section 489.103, Florida  
398 Statutes, is amended to read:

399 489.103 Exemptions.—This part does not apply to:

400 (18) Any one-family, two-family, or three-family residence  
401 constructed or rehabilitated by Habitat for Humanity  
402 International, Inc., or its local affiliates. Habitat for  
403 Humanity International, Inc., or its local affiliates, must:

404 (a) Obtain all necessary building permits.

405 (b) Obtain all required building code inspections.

406 (c) Provide for supervision of all work by an individual  
407 with construction experience.

408 Section 15. Subsection (3) of section 489.105, Florida  
409 Statutes, is amended to read

410 489.105 Definitions.—As used in this part:

411 (3) "Contractor" means the person who is qualified for,  
412 and is ~~shall~~ only ~~be~~ responsible for, the project contracted for  
413 and means, except as exempted in this part, the person who, for  
414 compensation, undertakes to, submits a bid to, or does himself  
415 or herself or by others construct, repair, alter, remodel, add  
416 to, demolish, subtract from, or improve any building or  
417 structure, including related improvements to real estate, for  
418 others or for resale to others; and whose job scope is  
419 substantially similar to the job scope described in one of the  
420 subsequent paragraphs of this subsection. For the purposes of

421 regulation under this part, "demolish" applies only to  
422 demolition of steel tanks over 50 feet in height; towers over 50  
423 feet in height; other structures over 50 feet in height, other  
424 than buildings or residences over three stories tall; and  
425 buildings or residences over three stories tall. Contractors are  
426 subdivided into two divisions, Division I, consisting of those  
427 contractors defined in paragraphs (a)-(c), and Division II,  
428 consisting of those contractors defined in paragraphs (d)-(r)  
429 ~~(d)-(q)~~:

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

435 (b) "Building contractor" means a contractor whose  
436 services are limited to construction of commercial buildings and  
437 single-dwelling or multiple-dwelling residential buildings,  
438 which ~~commercial or residential buildings~~ do not exceed three  
439 stories in height, and accessory use structures in connection  
440 therewith or a contractor whose services are limited to  
441 remodeling, repair, or improvement of any size building if the  
442 services do not affect the structural members of the building.

443 (c) "Residential contractor" means a contractor whose  
444 services are limited to construction, remodeling, repair, or  
445 improvement of one-family, two-family, or three-family  
446 residences not exceeding two habitable stories above no more  
447 than one uninhabitable story and accessory use structures in  
448 connection therewith.



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449 (d) "Sheet metal contractor" means a contractor whose  
450 services are unlimited in the sheet metal trade and who has the  
451 experience, knowledge, and skill necessary for the manufacture,  
452 fabrication, assembling, handling, erection, installation,  
453 dismantling, conditioning, adjustment, insulation, alteration,  
454 repair, servicing, or design, if ~~when~~ not prohibited by law, of  
455 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
456 equivalent or lighter gauge and of other materials, including,  
457 but not limited to, fiberglass, used in lieu thereof and of air-  
458 handling systems, including the setting of air-handling  
459 equipment and reinforcement of same, the balancing of air-  
460 handling systems, and any duct cleaning and equipment sanitizing  
461 that ~~which~~ requires at least a partial disassembling of the  
462 system.

463 (e) "Roofing contractor" means a contractor whose services  
464 are unlimited in the roofing trade and who has the experience,  
465 knowledge, and skill to install, maintain, repair, alter,  
466 extend, or design, if ~~when~~ not prohibited by law, and use  
467 materials and items used in the installation, maintenance,  
468 extension, and alteration of all kinds of roofing,  
469 waterproofing, and coating, except when coating is not  
470 represented to protect, repair, waterproof, stop leaks, or  
471 extend the life of the roof. The scope of work of a roofing  
472 contractor also includes required roof-deck attachments and any  
473 repair or replacement of wood roof sheathing or fascia as needed  
474 during roof repair or replacement.

475 (f) "Class A air-conditioning contractor" means a  
476 contractor whose services are unlimited in the execution of

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477 contracts requiring the experience, knowledge, and skill to  
478 install, maintain, repair, fabricate, alter, extend, or design,  
479 if ~~when~~ not prohibited by law, central air-conditioning,  
480 refrigeration, heating, and ventilating systems, including duct  
481 work in connection with a complete system if ~~only to the extent~~  
482 such duct work is performed by the contractor as ~~is~~ necessary to  
483 ~~make~~ complete an air-distribution system, boiler and unfired  
484 pressure vessel systems, and all appurtenances, apparatus, or  
485 equipment used in connection therewith, and any duct cleaning  
486 and equipment sanitizing that ~~which~~ requires at least a partial  
487 disassembling of the system; to install, maintain, repair,  
488 fabricate, alter, extend, or design, if ~~when~~ not prohibited by  
489 law, piping, insulation of pipes, vessels and ducts, pressure  
490 and process piping, and pneumatic control piping; to replace,  
491 disconnect, or reconnect power wiring on the load side of the  
492 dedicated existing electrical disconnect switch; to install,  
493 disconnect, and reconnect low voltage heating, ventilating, and  
494 air-conditioning control wiring; and to install a condensate  
495 drain from an air-conditioning unit to an existing safe waste or  
496 other approved disposal other than a direct connection to a  
497 sanitary system. The scope of work for such contractor ~~shall~~  
498 also includes ~~include~~ any excavation work incidental thereto,  
499 but does ~~shall~~ not include any work such as liquefied petroleum  
500 or natural gas fuel lines within buildings, except for  
501 disconnecting or reconnecting changeouts of liquefied petroleum  
502 or natural gas appliances within buildings; potable water lines  
503 or connections thereto; sanitary sewer lines; swimming pool  
504 piping and filters; or electrical power wiring.

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(g) "Class B air-conditioning contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if ~~when~~ not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as ~~is~~ necessary to ~~make~~ complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that ~~which~~ requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if ~~when~~ not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor ~~shall~~ also includes ~~include~~ any excavation work incidental thereto, but does ~~shall~~ not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool

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533 piping and filters; or electrical power wiring.

534       (h) "Class C air-conditioning contractor" means a  
535 contractor whose business is limited to the servicing of air-  
536 conditioning, heating, or refrigeration systems, including any  
537 duct cleaning and equipment sanitizing that ~~which~~ requires at  
538 least a partial disassembling of the system, and whose  
539 certification or registration, issued pursuant to this part, was  
540 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~  
541 ~~previously~~ registered or certified as a Class C air-conditioning  
542 contractor as of October 1, 1988, shall be so registered or  
543 certified after October 1, 1988. However, the board shall  
544 continue to license and regulate those Class C air-conditioning  
545 contractors who held Class C licenses before ~~prior to~~ October 1,  
546 1988.

547       (i) "Mechanical contractor" means a contractor whose  
548 services are unlimited in the execution of contracts requiring  
549 the experience, knowledge, and skill to install, maintain,  
550 repair, fabricate, alter, extend, or design, if ~~when~~ not  
551 prohibited by law, central air-conditioning, refrigeration,  
552 heating, and ventilating systems, including duct work in  
553 connection with a complete system if ~~only to the extent~~ such  
554 duct work is performed by the contractor as ~~is~~ necessary to ~~make~~  
555 complete an air-distribution system, boiler and unfired pressure  
556 vessel systems, lift station equipment and piping, and all  
557 appurtenances, apparatus, or equipment used in connection  
558 therewith, and any duct cleaning and equipment sanitizing that  
559 ~~which~~ requires at least a partial disassembling of the system;  
560 to install, maintain, repair, fabricate, alter, extend, or

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561 design, ~~if when~~ not prohibited by law, piping, insulation of  
562 pipes, vessels and ducts, pressure and process piping, pneumatic  
563 control piping, gasoline tanks and pump installations and piping  
564 for same, standpipes, air piping, vacuum line piping, oxygen  
565 lines, nitrous oxide piping, ink and chemical lines, fuel  
566 transmission lines, liquefied petroleum gas lines within  
567 buildings, and natural gas fuel lines within buildings; to  
568 replace, disconnect, or reconnect power wiring on the load side  
569 of the dedicated existing electrical disconnect switch; to  
570 install, disconnect, and reconnect low voltage heating,  
571 ventilating, and air-conditioning control wiring; and to install  
572 a condensate drain from an air-conditioning unit to an existing  
573 safe waste or other approved disposal other than a direct  
574 connection to a sanitary system. The scope of work for such  
575 contractor ~~shall~~ also includes ~~include~~ any excavation work  
576 incidental thereto, but does ~~shall~~ not include any work such as  
577 potable water lines or connections thereto, sanitary sewer  
578 lines, swimming pool piping and filters, or electrical power  
579 wiring.

580 (j) "Commercial pool/spa contractor" means a contractor  
581 whose scope of work involves, but is not limited to, the  
582 construction, repair, and servicing of any swimming pool, or hot  
583 tub or spa, whether public, private, or otherwise, regardless of  
584 use. The scope of work includes the installation, repair, or  
585 replacement of existing equipment, any cleaning or equipment  
586 sanitizing that ~~which~~ requires at least a partial disassembling,  
587 excluding filter changes, and the installation of new pool/spa  
588 equipment, interior finishes, the installation of package pool

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589 heaters, the installation of all perimeter piping and filter  
590 piping, and the construction of equipment rooms or housing for  
591 pool/spa equipment, and also includes the scope of work of a  
592 swimming pool/spa servicing contractor. The scope of such work  
593 does not include direct connections to a sanitary sewer system  
594 or to potable water lines. The installation, construction,  
595 modification, or replacement of equipment permanently attached  
596 to and associated with the pool or spa for the purpose of water  
597 treatment or cleaning of the pool or spa requires licensure;  
598 however, the usage of such equipment for the purposes of water  
599 treatment or cleaning does ~~shall~~ not require licensure unless  
600 the usage involves construction, modification, or replacement of  
601 such equipment. Water treatment that does not require such  
602 equipment does not require a license. In addition, a license is  
603 ~~shall not be~~ required for the cleaning of the pool or spa in a  
604 ~~any~~ way that does not affect the structural integrity of the  
605 pool or spa or its associated equipment.

606       (k) "Residential pool/spa contractor" means a contractor  
607 whose scope of work involves, but is not limited to, the  
608 construction, repair, and servicing of a ~~any~~ residential  
609 swimming pool, or hot tub or spa, regardless of use. The scope  
610 of work includes the installation, repair, or replacement of  
611 existing equipment, any cleaning or equipment sanitizing that  
612 ~~which~~ requires at least a partial disassembling, excluding  
613 filter changes, and the installation of new pool/spa equipment,  
614 interior finishes, the installation of package pool heaters, the  
615 installation of all perimeter piping and filter piping, and the  
616 construction of equipment rooms or housing for pool/spa

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617 equipment, and also includes the scope of work of a swimming  
618 pool/spa servicing contractor. The scope of such work does not  
619 include direct connections to a sanitary sewer system or to  
620 potable water lines. The installation, construction,  
621 modification, or replacement of equipment permanently attached  
622 to and associated with the pool or spa for the purpose of water  
623 treatment or cleaning of the pool or spa requires licensure;  
624 however, the usage of such equipment for the purposes of water  
625 treatment or cleaning does ~~shall~~ not require licensure unless  
626 the usage involves construction, modification, or replacement of  
627 such equipment. Water treatment that does not require such  
628 equipment does not require a license. In addition, a license is  
629 ~~shall~~ ~~be~~ required for the cleaning of the pool or spa in a  
630 ~~any~~ way that does not affect the structural integrity of the  
631 pool or spa or its associated equipment.

632       (1) "Swimming pool/spa servicing contractor" means a  
633 contractor whose scope of work involves, but is not limited to,  
634 the repair and servicing of a ~~any~~ swimming pool, or hot tub or  
635 spa, whether public or private, or otherwise, regardless of use.  
636 The scope of work includes the repair or replacement of existing  
637 equipment, any cleaning or equipment sanitizing that ~~which~~  
638 requires at least a partial disassembling, excluding filter  
639 changes, and the installation of new pool/spa equipment,  
640 interior refinishing, the reinstallation or addition of pool  
641 heaters, the repair or replacement of all perimeter piping and  
642 filter piping, the repair of equipment rooms or housing for  
643 pool/spa equipment, and the substantial or complete draining of  
644 a swimming pool, or hot tub or spa, for the purpose of ~~any~~

645 repair or renovation. The scope of such work does not include  
646 direct connections to a sanitary sewer system or to potable  
647 water lines. The installation, construction, modification,  
648 substantial or complete disassembly, or replacement of equipment  
649 permanently attached to and associated with the pool or spa for  
650 the purpose of water treatment or cleaning of the pool or spa  
651 requires licensure; however, the usage of such equipment for the  
652 purposes of water treatment or cleaning does ~~shall~~ not require  
653 licensure unless the usage involves construction, modification,  
654 substantial or complete disassembly, or replacement of such  
655 equipment. Water treatment that does not require such equipment  
656 does not require a license. In addition, a license is ~~shall~~ not  
657 ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way  
658 that does not affect the structural integrity of the pool or spa  
659 or its associated equipment.

660 (m) "Plumbing contractor" means a contractor whose  
661 contracting business consists of the execution of contracts  
662 requiring the experience, financial means, knowledge, and skill  
663 to install, maintain, repair, alter, extend, or, if ~~when~~ not  
664 prohibited by law, design plumbing. A plumbing contractor may  
665 install, maintain, repair, alter, extend, or, if ~~when~~ not  
666 prohibited by law, design the following without obtaining an ~~any~~  
667 additional local regulatory license, certificate, or  
668 registration: sanitary drainage or storm drainage facilities;  
669 venting systems; public or private water supply systems; septic  
670 tanks; drainage and supply wells; swimming pool piping;  
671 irrigation systems; or solar heating water systems and all  
672 appurtenances, apparatus, or equipment used in connection



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673 therewith, including boilers and pressure process piping and  
674 including the installation of water, natural gas, liquefied  
675 petroleum gas and related venting, and storm and sanitary sewer  
676 lines; and water and sewer plants and substations. The scope of  
677 work of the plumbing contractor also includes the design, if  
678 ~~when~~ not prohibited by law, and installation, maintenance,  
679 repair, alteration, or extension of air-piping, vacuum line  
680 piping, oxygen line piping, nitrous oxide piping, and all  
681 related medical gas systems; fire line standpipes and fire  
682 sprinklers if to the extent authorized by law; ink and chemical  
683 lines; fuel oil and gasoline piping and tank and pump  
684 installation, except bulk storage plants; and pneumatic control  
685 piping systems, all in ~~such~~ a manner that complies as to comply  
686 with all plans, specifications, codes, laws, and regulations  
687 applicable. The scope of work of the plumbing contractor applies  
688 ~~shall apply~~ to private property and public property, including  
689 ~~shall include~~ any excavation work incidental thereto, and  
690 includes ~~shall include~~ the work of the specialty plumbing  
691 contractor. Such contractor shall subcontract, with a qualified  
692 contractor in the field concerned, all other work incidental to  
693 the work but which is specified ~~herein~~ as being the work of a  
694 trade other than that of a plumbing contractor. ~~Nothing in This~~  
695 definition does not ~~shall be construed to~~ limit the scope of  
696 work of any specialty contractor certified pursuant to s.  
697 489.113(6), and does not. ~~Nothing in this definition shall be~~  
698 ~~construed to~~ require certification or registration under this  
699 part of any authorized employee of a public natural gas utility  
700 or of a private natural gas utility regulated by the Public

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701 Service Commission when disconnecting and reconnecting water  
702 lines in the servicing or replacement of an existing water  
703 heater.

704 (n) "Underground utility and excavation contractor" means  
705 a contractor whose services are limited to the construction,  
706 installation, and repair, on public or private property, whether  
707 accomplished through open excavations or through other means,  
708 including, but not limited to, directional drilling, auger  
709 boring, jacking and boring, trenchless technologies, wet and dry  
710 taps, grouting, and slip lining, of main sanitary sewer  
711 collection systems, main water distribution systems, storm sewer  
712 collection systems, and the continuation of utility lines from  
713 the main systems to a point of termination up to and including  
714 the meter location for the individual occupancy, sewer  
715 collection systems at property line on residential or single-  
716 occupancy commercial properties, or on multioccupancy properties  
717 at manhole or wye lateral extended to an invert elevation as  
718 engineered to accommodate future building sewers, water  
719 distribution systems, or storm sewer collection systems at storm  
720 sewer structures. However, an underground utility and excavation  
721 contractor may install empty underground conduits in rights-of-  
722 way, easements, platted rights-of-way in new site development,  
723 and sleeves for parking lot crossings no smaller than 2 inches  
724 in diameter if, ~~provided that~~ each conduit system installed is  
725 designed by a licensed professional engineer or an authorized  
726 employee of a municipality, county, or public utility and ~~that~~  
727 the installation of ~~any~~ such conduit does not include  
728 installation of any conductor wiring or connection to an

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energized electrical system. An underground utility and excavation contractor may ~~shall~~ not install ~~any~~ piping that is an integral part of a fire protection system as defined in s. 633.021 beginning at the point where the piping is used exclusively for such system.

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

(p) "Pollutant storage systems contractor" means a contractor whose services are limited to, and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if ~~when~~ not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of, pollutant storage tanks. Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303.

(q) "Glass and glazing contractor" means a contractor whose services are unlimited in the execution of contracts

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757 requiring the experience, knowledge, and skill to install,  
758 attach, maintain, repair, fabricate, alter, extend, or design,  
759 in residential and commercial applications without any height  
760 restrictions, all types of windows, glass, and mirrors, whether  
761 fixed or movable; swinging or sliding glass doors attached to  
762 existing walls, floors, columns, or other structural members of  
763 the building; glass holding or supporting mullions or horizontal  
764 bars; structurally anchored impact-resistant opening protection  
765 attached to existing building walls, floors, columns, or other  
766 structural members of the building; prefabricated glass, metal,  
767 or plastic curtain walls; storefront frames or panels; shower  
768 and tub enclosures; metal fascias; and caulking incidental to  
769 such work and assembly.

770 (r)~~(a)~~ "Specialty contractor" means a contractor whose  
771 scope of work and responsibility is limited to a particular  
772 phase of construction established in a category adopted by board  
773 rule and whose scope is limited to a subset of the activities  
774 described in one of the paragraphs of this subsection.

775 Section 16. Paragraphs (b) and (c) of subsection (4) of  
776 section 489.107, Florida Statutes, are amended to read:

777 489.107 Construction Industry Licensing Board.—

778 (4) The board shall be divided into two divisions,  
779 Division I and Division II.

780 (b) Division II is comprised of the roofing contractor,  
781 sheet metal contractor, air-conditioning contractor, mechanical  
782 contractor, pool contractor, plumbing contractor, and  
783 underground utility and excavation contractor members of the  
784 board; one of the members appointed pursuant to paragraph

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785 (2)(j); and one of the members appointed pursuant to paragraph  
786 (2)(k). Division II has jurisdiction over the regulation of  
787 contractors defined in s. 489.105(3)(d)-(q) ~~489.105(3)(d)-(p)~~.

788 (c) Jurisdiction for the regulation of specialty  
789 contractors defined in s. 489.105(3)(r) ~~489.105(3)(q)~~ shall lie  
790 with the division having jurisdiction over the scope of work of  
791 the specialty contractor as defined by board rule.

792 Section 17. Paragraph (g) of subsection (2) of section  
793 489.141, Florida Statutes, is amended to read:

794 489.141 Conditions for recovery; eligibility.—

795 (2) A claimant is not qualified to make a claim for  
796 recovery from the recovery fund, if:

797 (g) The claimant has contracted with a licensee to perform  
798 a scope of work described in s. 489.105(3)(d)-(r) ~~489.105(3)(d)-~~  
799 ~~(q)~~.

800 Section 18. Subsection (1) of section 514.028, Florida  
801 Statutes, is amended to read:

802 514.028 Advisory review board.—

803 (1) The Governor shall appoint an advisory review board  
804 which shall meet as necessary or at least quarterly, to  
805 recommend agency action on variance request, rule and policy  
806 development, and other technical review problems. The board  
807 shall be comprised of ~~the following~~:

808 (a) A representative from the office of licensure and  
809 certification of the department.

810 (b) A representative from the county health departments.

811 (c) Three representatives from the swimming pool  
812 construction industry.

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813       (d) A representative ~~Two representatives~~ from the public  
814 lodging industry.

815       (e) A representative from a county or local building  
816 department.

817       Section 19. Subsection (3) of section 527.06, Florida  
818 Statutes, is amended to read:

819       527.06 Rules.—

820       (3)(a) Rules in substantial conformity with the published  
821 standards of the National Fire Protection Association (NFPA) are  
822 ~~shall be~~ deemed to be in substantial conformity with the  
823 generally accepted standards of safety concerning the same  
824 subject matter.

825       (b) Notwithstanding any other law, the department or other  
826 state agency may not require compliance with the minimum  
827 separation distances of NFPA 58 for separation between a  
828 liquefied petroleum gas tank and a building, adjoining property  
829 line, other liquefied petroleum gas tank, or any source of  
830 ignition, except in compliance with the minimum separation  
831 distances of the 2011 edition of NFPA 58.

832       (c) If the department, the Florida Building Commission as  
833 part of the Florida Building Code, and the Office of the State  
834 Fire Marshal as part of the Florida Fire Prevention Code each  
835 adopt the minimum separation distances of the 2011 edition of  
836 NFPA 58 as rules, whether adopted by setting out the minimum  
837 separation distances in the text of the rules or through  
838 incorporation by reference, this subsection is repealed upon the  
839 last effective date of such rules.

840       Section 20. Subsection (11) of section 527.21, Florida

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Statutes, is amended to read:

527.21 Definitions relating to Florida Propane Gas Education, Safety, and Research Act.—As used in ss. 527.20-527.23, the term:

(11) "Propane" includes propane, butane, mixtures, and liquefied petroleum gas as defined by ~~the~~ National Fire Protection Association (NFPA) Standard 58, For The Storage and Handling of Liquefied Petroleum Gas Code Cases.

Section 21. Section 553.502, Florida Statutes, is amended to read:

553.502 Intent.—The purpose and intent of this part ~~ss. 553.501-553.513~~ is to incorporate into the law of this state the accessibility requirements of the Americans with Disabilities Act of 1990, as amended Pub. L. No. 101-336, 42 U.S.C. ss. 12101 et seq., and to obtain and maintain United States Department of Justice certification of the Florida Accessibility Code for Building Construction as equivalent to federal standards for accessibility of buildings, structures, and facilities. All state laws, rules, standards, and codes governing facilities covered by the Americans with Disabilities Act Standards for Accessible Design guidelines shall be maintained to assure certification of the state's construction standards and codes. This part ~~Nothing in ss. 553.501-553.513~~ is not intended to expand or diminish the defenses available to a place of public accommodation or a commercial facility under the Americans with Disabilities Act and the standards ~~federal Americans with Disabilities Act Accessibility Guidelines~~, including, but not limited to, the readily achievable standard, and the standards

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869 applicable to alterations to private buildings or facilities as  
870 defined by the standards ~~places of public accommodation.~~

871 Section 22. Section 553.503, Florida Statutes, is amended  
872 to read:

873 553.503 Adoption of federal standards ~~guidelines.~~—Subject  
874 to modifications under this part ~~the exceptions in s. 553.504,~~  
875 the federal Americans with Disabilities Act Standards for  
876 Accessible Design Accessibility Guidelines, and related  
877 regulations provided as adopted by reference in 28 C.F.R., parts  
878 35 and part 36, and 49 C.F.R. part 37 ~~subparts A and D, and~~  
879 ~~Title II of Pub. L. No. 101-336,~~ are hereby adopted and  
880 incorporated by reference as the law of this state and shall be  
881 incorporated into. ~~The guidelines shall establish the minimum~~  
882 ~~standards for the accessibility of buildings and facilities~~  
883 ~~built or altered within this state.~~ the 1997 Florida  
884 Accessibility Code for Building Construction and must be adopted  
885 by the Florida Building Commission in accordance with chapter  
886 120.

887 Section 23. Section 553.504, Florida Statutes, is amended  
888 to read:

889 553.504 Exceptions to applicability of the federal  
890 standards ~~guidelines.~~—Notwithstanding the adoption of the  
891 Americans with Disabilities Act Standards for Accessible Design  
892 pursuant to Accessibility Guidelines in s. 553.503, all  
893 buildings, structures, and facilities in this state must ~~shall~~  
894 meet the following additional requirements if such requirements  
895 ~~when they~~ provide increased accessibility:

896 (1) All new or altered public buildings and facilities,



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897 private buildings and facilities, places of public  
898 accommodation, and commercial facilities, as those terms are  
899 defined by the standards, subject to this part, ss. 553.501-  
900 ~~553.513 which may be frequented in, lived in, or worked in by~~  
901 ~~the public~~ must ~~shall~~ comply with this part ss. 553.501-553.513.

902 (2) All new single-family houses, duplexes, triplexes,  
903 condominiums, and townhouses shall provide at least one  
904 bathroom, located with maximum possible privacy, where bathrooms  
905 are provided on habitable grade levels, with a door that has a  
906 29-inch clear opening. However, if only a toilet room is  
907 provided at grade level, such toilet room must ~~shall~~ have a  
908 clear opening of at least ~~not less than~~ 29 inches.

909 ~~(3) All required doors and walk-through openings in~~  
910 ~~buildings excluding single-family homes, duplexes, and triplexes~~  
911 ~~not covered by the Americans with Disabilities Act of 1990 or~~  
912 ~~the Fair Housing Act shall have at least 29 inches of clear~~  
913 ~~width except under ss. 553.501-553.513.~~

914 ~~(4) In addition to the requirements in reference 4.8.4 of~~  
915 ~~the guidelines, all landings on ramps shall be not less than 60~~  
916 ~~inches clear, and the bottom of each ramp shall have not less~~  
917 ~~than 72 inches of straight and level clearance.~~

918 ~~(5) All curb ramps shall be designed and constructed in~~  
919 ~~accordance with the following requirements:~~

920 ~~(a) Notwithstanding the requirements of reference 4.8.5.2~~  
921 ~~of the guidelines, handrails on ramps which are not continuous~~  
922 ~~shall extend not less than 18 inches beyond the sloped segment~~  
923 ~~at both the top and bottom, and shall be parallel to the floor~~  
924 ~~or ground surface.~~

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~~(b) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of a required means of egress shall be not less than 44 inches wide.~~

~~(c) Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.~~

~~(3)(6)~~ Notwithstanding the requirements in s. 404.2.9 reference ~~4.13.11~~ of the standards ~~guidelines~~, exterior hinged doors must ~~shall~~ be ~~so~~ designed so that such doors can be pushed or pulled open with a force not exceeding 8.5 foot pounds.

~~(7) Notwithstanding the requirements in reference 4.33.1 of the guidelines, all public food service establishments, all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines shall provide seating or spaces for seating in accordance with the following requirements:~~

~~(a) For the first 100 fixed seats, accessible and usable spaces must be provided consistent with the following table:~~

<del>Capacity of Seating In Assembly Areas</del>	<del>Number of Required Wheelchair Locations</del>
<del>1 to 25</del>	<del>1</del>
<del>26 to 50</del>	<del>2</del>

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~~51 to 100 4~~

~~(b) For all remaining fixed seats, there shall be not less than one such accessible and usable space for each 100 fixed seats or fraction thereof.~~

~~(8) Notwithstanding the requirements in references 4.32.1-4.32.4 of the guidelines, all fixed seating in public food service establishments, in establishments licensed under the Beverage Law for consumption on the premises, and in all other facilities governed by reference 4.1 of the guidelines shall be designed and constructed in accordance with the following requirements:~~

~~(a) All aisles adjacent to fixed seating shall provide clear space for wheelchairs.~~

~~(b) Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.~~

~~(4)(9) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the standards must ~~guidelines shall~~ provide the following special accessibility features:~~

~~(a) Grab rails in bathrooms and toilet rooms that comply with s. 604.5 ~~4.16.4~~ of the standards ~~guidelines~~.~~

~~(b) All beds in designed accessible guest rooms must ~~shall~~ be an open-frame type that allows the ~~to permit~~ passage of lift devices.~~

~~(c) Water closets that comply with section 604.4 of the standards. All standard water closet seats shall be at a height of 15 inches, measured vertically from the finished floor to the~~

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976 ~~top of the seat, with a variation of plus or minus 1/2 inch. A~~  
977 ~~portable or attached raised toilet seat shall be provided in all~~  
978 ~~designated handicapped accessible rooms.~~

979  
980 All buildings, structures, or facilities licensed as a hotel,  
981 motel, or condominium pursuant to chapter 509 are ~~shall be~~  
982 ~~subject to the provisions of this subsection. This subsection~~  
983 ~~does not relieve~~ Nothing in this subsection shall be construed  
984 ~~as relieving~~ the owner of the responsibility of providing  
985 accessible rooms in conformance with ss. 224 and 806 of the  
986 standards 9.1-9.5 of the guidelines.

987 ~~(10) Notwithstanding the requirements in reference 4.29.2~~  
988 ~~of the guidelines, all detectable warning surfaces required by~~  
989 ~~the guidelines shall be governed by the requirements of American~~  
990 ~~National Standards Institute A117.1-1986.~~

991 ~~(11) Notwithstanding the requirements in references 4.31.2~~  
992 ~~and 4.31.3 of the guidelines, the installation and placement of~~  
993 ~~all public telephones shall be governed by the rules of the~~  
994 ~~Florida Public Service Commission.~~

995 (5)(12) Notwithstanding ss. 213 and 604 of the standards  
996 ~~the requirements in references 4.1.3(11) and 4.16-4.23 of the~~  
997 ~~guidelines, required~~ bathing rooms ~~restrooms~~ and toilet rooms in  
998 new construction shall be designed and constructed in accordance  
999 with the following ~~requirements~~:

1000 (a) The wheelchair standard ~~accessible toilet compartment~~  
1001 must ~~restroom stall shall~~ contain an accessible lavatory within  
1002 it, which must be at least ~~the size of such lavatory to be not~~  
1003 ~~less than~~ 19 inches wide by 17 inches deep, nominal size, and

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wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by s. 604 of the standards 4.17 figure 30(a) of the guidelines for the standard accessible toilet compartment ~~stall~~ and ~~to~~ comply with s. 606 of the standards 4.19 of the guidelines. Such lavatories shall be counted as part of the required fixture count for the building.

(b) The accessible water closet within the wheelchair accessible toilet compartment must ~~shall~~ be located in the corner, diagonal to the door.

~~(c) The accessible stall door shall be self-closing.~~

~~(13) All customer checkout aisles not required by the guidelines to be handicapped accessible shall have at least 32 inches of clear passage.~~

~~(14) Turnstiles shall not be used in occupancies which serve fewer than 100 persons, but turnstiles may be used in occupancies which serve at least 100 persons if there is an unlocked alternate passageway on an accessible route affording not less than 32 inches of clearance, equipped with latching devices in accordance with the guidelines.~~

(6) ~~(15)~~ Barriers at common or emergency entrances and exits of business establishments conducting business with the general public that are existing, under construction, or under contract for construction which would prevent a person from using such entrances or exits must ~~shall~~ be removed.

Section 24. Section 553.5041, Florida Statutes, is amended to read:

553.5041 Parking spaces for persons who have disabilities.—

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1032 (1) This section is not intended to expand or diminish the  
1033 defenses available to a place of public accommodation under the  
1034 Americans with Disabilities Act and the federal Americans with  
1035 Disabilities Act Standards for Accessible Design ~~Accessibility~~  
1036 ~~Guidelines~~, including, but not limited to, the readily  
1037 achievable standard, and the standards applicable to alterations  
1038 to places of public accommodation and commercial facilities.  
1039 Subject to the exceptions described in subsections (2), (4),  
1040 (5), and (6), if ~~when~~ the parking and loading zone requirements  
1041 of the federal standards and related regulations ~~Americans with~~  
1042 ~~Disabilities Act Accessibility Guidelines (ADAAG)~~, as adopted by  
1043 reference in 28 C.F.R. part 36, subparts A and D, and Title II  
1044 of Pub. L. No. 101-336, provide increased accessibility, those  
1045 requirements are adopted and incorporated by reference as the  
1046 law of this state.

1047 (2) State agencies and political subdivisions having  
1048 jurisdiction over street parking or publicly owned or operated  
1049 parking facilities are not required to provide a greater right-  
1050 of-way width than would otherwise be planned under regulations,  
1051 guidelines, or practices normally applied to new development.

1052 (3) Designated accessible ~~If parking spaces are provided~~  
1053 ~~for self-parking by employees or visitors, or both, accessible~~  
1054 ~~spaces shall be provided in each such parking area. Such spaces~~  
1055 shall be designed and marked for the exclusive use of ~~those~~  
1056 individuals who have a severe physical disability and have  
1057 permanent or temporary mobility problems that substantially  
1058 impair their ability to ambulate and who have been issued ~~either~~  
1059 a disabled parking permit under s. 316.1958 or s. 320.0848 or a

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license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.

(4) The number of accessible parking spaces must comply with the parking requirements in ~~ADAAG~~ s. 208 of the standards 4.1 and the following:

(a) There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if ~~no~~ parking for the public is not provided on the premises of the building.

(b) There must be one accessible parking space for each 150 metered on-street parking spaces provided by state agencies and political subdivisions.

(c) The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.

(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located to conform to ~~in conformance with the guidelines set forth in ADAAG ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking Design."~~

(a) All spaces must be located on an accessible route that is at least ~~no less than~~ 44 inches wide so that users are ~~will~~ not ~~be~~ compelled to walk or wheel behind parked vehicles except behind his or her own vehicle.

(b) ~~Each space must be located on the shortest safely accessible route from the parking space to an accessible~~

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entrance. If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest ~~safely~~ accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

(c)1. Each parking space must be at least ~~no less than~~ 12 feet wide. Parking access aisles must be at least ~~no less than~~ 5 feet wide and must be part of an accessible route to the building or facility entrance. ~~In accordance with ADAAG s. 4.6.3, access aisles must be placed adjacent to accessible parking spaces; however, two accessible parking spaces may share a common access aisle.~~ The access aisle must be striped diagonally to designate it as a no-parking zone.

2. The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties ~~that are~~ imposed for illegally parking in parking spaces that are designated for persons who have disabilities. A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled



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1116 parking permit.

1117 3. Notwithstanding any other provision of this subsection  
1118 ~~to the contrary notwithstanding~~, a theme park or an  
1119 entertainment complex as defined in s. 509.013~~(9)~~ in which ~~are~~  
1120 ~~provided~~ continuous attendant services are provided for  
1121 directing individuals to marked accessible parking spaces or  
1122 designated lots for parking by persons who have disabilities,  
1123 may, in lieu of the required parking space design, provide  
1124 parking spaces that comply with ADAAG ss. 208 and 502 of the  
1125 standards 4.1 and 4.6.

1126 (d) On-street parallel parking spaces ~~must be located~~  
1127 ~~either at the beginning or end of a block or adjacent to alley~~  
1128 ~~entrances. Such spaces must be designed to conform to in~~  
1129 ~~conformance with the guidelines set forth in ADAAG ss. 208 and~~  
1130 ~~502 of the standards, except that 4.6.2 through 4.6.5,~~  
1131 ~~exception:~~ access aisles are not required. Curbs adjacent to  
1132 such spaces must be of a height that does ~~will~~ not interfere  
1133 with the opening and closing of motor vehicle doors. This  
1134 subsection does not relieve the owner of the responsibility to  
1135 comply with the parking requirements of ADAAG ss. 208 and 502 of  
1136 the standards 4.1 and 4.6.

1137 ~~(e) Parallel parking spaces must be even with surface~~  
1138 ~~slopes, may match the grade of the adjacent travel lane, and~~  
1139 ~~must not exceed a cross slope of 1 to 50, where feasible.~~

1140 ~~(f) Curb ramps must be located outside of the disabled~~  
1141 ~~parking spaces and access aisles.~~

1142 (e)(g)1. The removal of architectural barriers from a  
1143 parking facility in accordance with 28 C.F.R. s. 36.304 or with

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1144 s. 553.508 must comply with this section unless compliance would  
1145 cause the barrier removal not to be readily achievable. If  
1146 compliance would cause the barrier removal not to be readily  
1147 achievable, a facility may provide parking spaces at alternative  
1148 locations for persons who have disabilities and provide  
1149 appropriate signage directing such persons ~~who have disabilities~~  
1150 to the alternative parking if readily achievable. The facility  
1151 may not reduce the required number or dimensions of those spaces  
1152 ~~or, nor may it~~ unreasonably increase the length of the  
1153 accessible route from a parking space to the facility. The  
1154 removal of an architectural barrier must not create a  
1155 significant risk to the health or safety of a person who has a  
1156 disability or to ~~that of~~ others.

1157 2. A facility that is making alterations under s.  
1158 553.507(2) (b) must comply with this section to the maximum  
1159 extent feasible. If compliance with parking location  
1160 requirements is not feasible, the facility may provide parking  
1161 spaces at alternative locations for persons who have  
1162 disabilities and provide appropriate signage directing such  
1163 persons ~~who have a disability~~ to alternative parking. The  
1164 facility may not reduce the required number or dimensions of  
1165 those spaces, ~~or, nor may it~~ unnecessarily increase the length of  
1166 the accessible route from a parking space to the facility. The  
1167 alteration must not create a significant risk to the health or  
1168 safety of a person who has a disability or to ~~that of~~ others.

1169 (6) Each such parking space must be striped in a manner  
1170 that is consistent with the standards of the controlling  
1171 jurisdiction for other spaces and prominently outlined with blue

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1172 paint, and must be repainted when necessary, to be clearly  
1173 distinguishable as a parking space designated for persons who  
1174 have disabilities. The space ~~and~~ must be posted with a permanent  
1175 above-grade sign of a color and design approved by the  
1176 Department of Transportation, which is placed on or at least 60  
1177 inches above the finished floor or ground surface measured to  
1178 the bottom of the sign ~~a distance of 84 inches above the ground~~  
1179 ~~to the bottom of the sign~~ and which bears the international  
1180 symbol of accessibility meeting the requirements of ~~ADAAG~~ s.  
1181 703.7.2.1 of the standards 4.30.7 and the caption "PARKING BY  
1182 DISABLED PERMIT ONLY." Such a sign erected after October 1,  
1183 1996, must indicate the penalty for illegal use of the space.  
1184 Notwithstanding any other provision of this section ~~to the~~  
1185 ~~contrary notwithstanding~~, in a theme park or an entertainment  
1186 complex as defined in s. 509.013(9) in which accessible parking  
1187 is located in designated lots or areas, the signage indicating  
1188 the lot as reserved for accessible parking may be located at the  
1189 entrances to the lot in lieu of a sign at each parking place.  
1190 This subsection does not relieve the owner of the responsibility  
1191 of complying with the signage requirements of ~~ADAAG~~ s. 502.6 of  
1192 the standards 4.30.

1193 Section 25. Section 553.505, Florida Statutes, is amended  
1194 to read:

1195 553.505 Exceptions to applicability of the Americans with  
1196 Disabilities Act.—Notwithstanding the Americans with  
1197 Disabilities Act of 1990, private clubs are governed by this  
1198 part ss. 553.501-553.513. ~~Parking spaces, parking lots, and~~  
1199 ~~other parking facilities are governed by s. 553.5041 when that~~

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~~section provides increased accessibility.~~

Section 26. Section 553.506, Florida Statutes, is amended to read:

553.506 Powers of the commission.—In addition to any other authority vested in the Florida Building Commission by law, the commission, in implementing this part ~~ss. 553.501–553.513~~, may, by rule, adopt revised and updated versions of the Americans with Disabilities Act Standards for Accessible Design ~~Accessibility Guidelines~~ in accordance with chapter 120.

Section 27. Section 553.507, Florida Statutes, is amended to read:

553.507 Applicability Exemptions.—This part applies to ~~Sections 553.501–553.513 do not apply to any of the following:~~

(1) All areas of newly designed and newly constructed buildings and facilities as determined by the federal standards established and adopted pursuant to s. 553.503. ~~Buildings, structures, or facilities that were either under construction or under contract for construction on October 1, 1997.~~

(2) Portions of altered buildings and facilities as determined by the federal standards established and adopted pursuant to s. 553.503. ~~Buildings, structures, or facilities that were in existence on October 1, 1997, unless:~~

~~(a) The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by local law;~~

~~(b) The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the~~

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~~Americans with Disabilities Act of 1990; or~~

~~(c) The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.~~

(3) A building or facility that is being converted from residential to nonresidential or mixed use as defined by the Florida Building Code. Such building or facility must, at a minimum, comply with s. 553.508 and the requirements for alterations as determined by the federal standards established and adopted pursuant to s. 553.503.

(4) Buildings and facilities where the original construction or any former alteration or renovation was carried out in violation of applicable permitting law.

Section 28. Section 553.509, Florida Statutes, is amended to read:

553.509 Vertical accessibility.—

(1) This part and the Americans with Disabilities Act Standards for Accessible Design do not ~~Nothing in ss. 553.501-553.513 or the guidelines shall be construed to~~ relieve the owner of any building, structure, or facility governed by this part ~~those sections~~ from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the standards ~~guidelines~~ require an elevator to be installed in such building, structure, or facility, except for:

(a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms.

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1256 (b) Unoccupiable spaces, such as rooms, enclosed spaces,  
1257 and storage spaces that are not designed for human occupancy,  
1258 for public accommodations, or for work areas. ~~;~~ and

1259 (c) Occupiable spaces and rooms that are not open to the  
1260 public and that house no more than five persons, including, but  
1261 not limited to, equipment control rooms and projection booths.

1262 (d) Theaters, concert halls, and stadiums, or other large  
1263 assembly areas that have stadium-style seating or tiered seating  
1264 if ss. 221 and 802 of the standards are met.

1265 (e) All play and recreation areas if the requirements of  
1266 chapter 10 of the standards are met.

1267 (f) All employee areas as exempted in s. 203.9 of the  
1268 standards.

1269 (g) Facilities, sites, and spaces exempted by s. 203 of  
1270 the standards.

1271 ~~(2)(a) Any person, firm, or corporation that owns,~~  
1272 ~~manages, or operates a residential multifamily dwelling,~~  
1273 ~~including a condominium, that is at least 75 feet high and~~  
1274 ~~contains a public elevator, as described in s. 399.035(2) and~~  
1275 ~~(3) and rules adopted by the Florida Building Commission, shall~~  
1276 ~~have at least one public elevator that is capable of operating~~  
1277 ~~on an alternate power source for emergency purposes. Alternate~~  
1278 ~~power shall be available for the purpose of allowing all~~  
1279 ~~residents access for a specified number of hours each day over a~~  
1280 ~~5-day period following a natural disaster, manmade disaster,~~  
1281 ~~emergency, or other civil disturbance that disrupts the normal~~  
1282 ~~supply of electricity. The alternate power source that controls~~  
1283 ~~elevator operations must also be capable of powering any~~

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~~connected fire alarm system in the building.~~

~~(b) At a minimum, the elevator must be appropriately  
prewired and prepared to accept an alternate power source and  
must have a connection on the line side of the main disconnect,  
pursuant to National Electric Code Handbook, Article 700. In  
addition to the required power source for the elevator and  
connected fire alarm system in the building, the alternate power  
supply must be sufficient to provide emergency lighting to the  
interior lobbies, hallways, and other portions of the building  
used by the public. Residential multifamily dwellings must have  
an available generator and fuel source on the property or have  
proof of a current contract posted in the elevator machine room  
or other place conspicuous to the elevator inspector affirming a  
current guaranteed service contract for such equipment and fuel  
source to operate the elevator on an on-call basis within 24  
hours after a request. By December 31, 2006, any person, firm or  
corporation that owns, manages, or operates a residential  
multifamily dwelling as defined in paragraph (a) must provide to  
the local building inspection agency verification of engineering  
plans for residential multifamily dwellings that provide for the  
capability to generate power by alternate means. Compliance with  
installation requirements and operational capability  
requirements must be verified by local building inspectors and  
reported to the county emergency management agency by December  
31, 2007.~~

~~(c) Each newly constructed residential multifamily  
dwelling, including a condominium, that is at least 75 feet high  
and contains a public elevator, as described in s. 399.035(2)~~

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1312 ~~and (3) and rules adopted by the Florida Building Commission,~~  
1313 ~~must have at least one public elevator that is capable of~~  
1314 ~~operating on an alternate power source for the purpose of~~  
1315 ~~allowing all residents access for a specified number of hours~~  
1316 ~~each day over a 5-day period following a natural disaster,~~  
1317 ~~manmade disaster, emergency, or other civil disturbance that~~  
1318 ~~disrupts the normal supply of electricity. The alternate power~~  
1319 ~~source that controls elevator operations must be capable of~~  
1320 ~~powering any connected fire alarm system in the building. In~~  
1321 ~~addition to the required power source for the elevator and~~  
1322 ~~connected fire alarm system, the alternate power supply must be~~  
1323 ~~sufficient to provide emergency lighting to the interior~~  
1324 ~~lobbies, hallways, and other portions of the building used by~~  
1325 ~~the public. Engineering plans and verification of operational~~  
1326 ~~capability must be provided by the local building inspector to~~  
1327 ~~the county emergency management agency before occupancy of the~~  
1328 ~~newly constructed building.~~

1329 ~~(d) Each person, firm, or corporation that is required to~~  
1330 ~~maintain an alternate power source under this subsection shall~~  
1331 ~~maintain a written emergency operations plan that details the~~  
1332 ~~sequence of operations before, during, and after a natural or~~  
1333 ~~manmade disaster or other emergency situation. The plan must~~  
1334 ~~include, at a minimum, a lifesafety plan for evacuation,~~  
1335 ~~maintenance of the electrical and lighting supply, and~~  
1336 ~~provisions for the health, safety, and welfare of the residents.~~  
1337 ~~In addition, the owner, manager, or operator of the residential~~  
1338 ~~multifamily dwelling must keep written records of any contracts~~  
1339 ~~for alternative power generation equipment. Also, quarterly~~



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1340 ~~inspection records of lifesafety equipment and alternate power~~  
1341 ~~generation equipment must be posted in the elevator machine room~~  
1342 ~~or other place conspicuous to the elevator inspector, which~~  
1343 ~~confirm that such equipment is properly maintained and in good~~  
1344 ~~working condition, and copies of contracts for alternate power~~  
1345 ~~generation equipment shall be maintained on site for~~  
1346 ~~verification. The written emergency operations plan and~~  
1347 ~~inspection records shall also be open for periodic inspection by~~  
1348 ~~local and state government agencies as deemed necessary. The~~  
1349 ~~owner or operator must keep a generator key in a lockbox posted~~  
1350 ~~at or near any installed generator unit.~~

1351 ~~(e) Multistory affordable residential dwellings for~~  
1352 ~~persons age 62 and older that are financed or insured by the~~  
1353 ~~United States Department of Housing and Urban Development must~~  
1354 ~~make every effort to obtain grant funding from the Federal~~  
1355 ~~Government or the Florida Housing Finance Corporation to comply~~  
1356 ~~with this subsection. If an owner of such a residential dwelling~~  
1357 ~~cannot comply with the requirements of this subsection, the~~  
1358 ~~owner must develop a plan with the local emergency management~~  
1359 ~~agency to ensure that residents are evacuated to a place of~~  
1360 ~~safety in the event of a power outage resulting from a natural~~  
1361 ~~or manmade disaster or other emergency situation that disrupts~~  
1362 ~~the normal supply of electricity for an extended period of time.~~  
1363 ~~A place of safety may include, but is not limited to, relocation~~  
1364 ~~to an alternative site within the building or evacuation to a~~  
1365 ~~local shelter.~~

1366 ~~(f) As a part of the annual elevator inspection required~~  
1367 ~~under s. 399.061, certified elevator inspectors shall confirm~~

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1368 ~~that all installed generators required by this chapter are in~~  
1369 ~~working order, have current inspection records posted in the~~  
1370 ~~elevator machine room or other place conspicuous to the elevator~~  
1371 ~~inspector, and that the required generator key is present in the~~  
1372 ~~lockbox posted at or near the installed generator. If a building~~  
1373 ~~does not have an installed generator, the inspector shall~~  
1374 ~~confirm that the appropriate rewiring and switching~~  
1375 ~~capabilities are present and that a statement is posted in the~~  
1376 ~~elevator machine room or other place conspicuous to the elevator~~  
1377 ~~inspector affirming a current guaranteed contract exists for~~  
1378 ~~contingent services for alternate power is current for the~~  
1379 ~~operating period.~~

1380       (2) However, buildings, structures, and facilities must,  
1381 as a minimum, comply with the ~~requirements in the~~ Americans with  
1382 Disabilities Act Standards for Accessible Design Accessibility  
1383 Guidelines.

1384       Section 29. Consistent with the federal implementation of  
1385 the 2010 Americans with Disabilities Act Standards for  
1386 Accessible Design, buildings and facilities in this state may be  
1387 designed in conformity with the 2010 standards if the design  
1388 also complies with Florida-specific requirements provided in  
1389 part II of chapter 553, Florida Statutes, until the Florida  
1390 Accessibility Code for Building Construction is updated to  
1391 implement the changes to part II of chapter 553, Florida  
1392 Statutes, as provided by this Act.

1393       Section 30. Subsections (3), (7), (8), and (9), and  
1394 paragraph (h) of subsection (10) of section 553.73, Florida  
1395 Statutes, are amended to read:

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1396 553.73 Florida Building Code.—

1397 (3) The commission shall use the International Codes  
1398 published by the International Code Council, the National  
1399 Electric Code (NFPA 70), or other nationally adopted model codes  
1400 and standards needed to develop the base code in Florida ~~select~~  
1401 ~~from available national or international model building codes,~~  
1402 ~~or other available building codes and standards currently~~  
1403 ~~recognized by the laws of this state,~~ to form the foundation for  
1404 the Florida Building Code. ~~The commission may modify the~~  
1405 ~~selected model codes and standards as needed to accommodate the~~  
1406 ~~specific needs of this state. Standards or criteria referenced~~  
1407 ~~by the selected model codes shall be similarly incorporated by~~  
1408 ~~reference. If a referenced standard or criterion requires~~  
1409 ~~amplification or modification to be appropriate for use in this~~  
1410 ~~state, only the amplification or modification shall be~~  
1411 ~~specifically set forth in the Florida Building Code.~~ The Florida  
1412 Building Commission may approve technical amendments to the  
1413 code, subject to ~~the requirements of~~ subsections (8) and (9),  
1414 after the amendments have been subject to the following  
1415 conditions:

1416 (a) The proposed amendment has been published on the  
1417 commission's website for a minimum of 45 days and all the  
1418 associated documentation has been made available to any  
1419 interested party before any consideration by a ~~any~~ Technical  
1420 Advisory Committee;

1421 (b) In order for a Technical Advisory Committee to make a  
1422 favorable recommendation to the commission, the proposal must  
1423 receive a three-fourths vote of the members present at the

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Technical Advisory Committee meeting and at least half of the regular members must be present in order to conduct a meeting;

(c) After Technical Advisory Committee consideration and a recommendation for approval of any proposed amendment, the proposal must be published on the commission's website for at least ~~not less than~~ 45 days before any consideration by the commission; and

(d) A ~~Any~~ proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120.

The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code.

(7)(a) The commission, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall update the Florida Building Code every 3 years. When updating the Florida Building Code, the commission shall select the most current version of the International Building Code, the International Fuel Gas Code, the International Mechanical Code, the International Plumbing Code, and the International Residential Code, all of which are adopted by the International Code Council, and the National Electrical Code, which is adopted by the National Fire Protection Association, to form the foundation codes of the updated Florida Building Code, if the version has been adopted by the applicable model code entity. The commission shall select

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1452 the most current version of the International Energy  
1453 Conservation Code (IECC) as a foundation code; however, the IECC  
1454 shall be modified by the commission to maintain the efficiencies  
1455 of the Florida Energy Efficiency Code for Building Construction  
1456 adopted and amended pursuant to s. 553.901.

1457 (b) Codes regarding noise contour lines shall be reviewed  
1458 annually, and the most current federal guidelines shall be  
1459 adopted.

1460 (c) The commission may modify any portion of the  
1461 foundation codes only as needed to accommodate the specific  
1462 needs of this state, ~~maintaining Florida-specific amendments~~  
1463 ~~previously adopted by the commission and not addressed by the~~  
1464 ~~updated foundation code~~. Standards or criteria referenced by the  
1465 codes shall be incorporated by reference. If a referenced  
1466 standard or criterion requires amplification or modification to  
1467 be appropriate for use in this state, only the amplification or  
1468 modification shall be set forth in the Florida Building Code.  
1469 The commission may approve technical amendments to the updated  
1470 Florida Building Code after the amendments have been subject to  
1471 the conditions set forth in paragraphs (3)(a)-(d). Amendments to  
1472 the foundation codes which are adopted in accordance with this  
1473 subsection shall be clearly marked in printed versions of the  
1474 Florida Building Code so that the fact that the provisions are  
1475 Florida-specific amendments to the foundation codes is readily  
1476 apparent.

1477 (d) The commission shall further consider the commission's  
1478 own interpretations, declaratory statements, appellate  
1479 decisions, and approved statewide and local technical amendments

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1480 and shall incorporate such interpretations, statements,  
1481 decisions, and amendments into the updated Florida Building Code  
1482 only to the extent that they are needed to modify the foundation  
1483 codes to accommodate the specific needs of the state. A change  
1484 made by an institute or standards organization to any standard  
1485 or criterion that is adopted by reference in the Florida  
1486 Building Code does not become effective statewide until it has  
1487 been adopted by the commission. Furthermore, the edition of the  
1488 Florida Building Code which is in effect on the date of  
1489 application for any permit authorized by the code governs the  
1490 permitted work for the life of the permit and any extension  
1491 granted to the permit.

1492 (e) A rule updating the Florida Building Code in  
1493 accordance with this subsection shall take effect no sooner than  
1494 6 months after publication of the updated code. Any amendment to  
1495 the Florida Building Code which is adopted upon a finding by the  
1496 commission that the amendment is necessary to protect the public  
1497 from immediate threat of harm takes effect immediately.

1498 (f) Provisions of the foundation codes, including those  
1499 contained in referenced standards and criteria, relating to wind  
1500 resistance or the prevention of water intrusion may not be  
1501 modified to diminish those construction requirements; however,  
1502 the commission may, subject to conditions in this subsection,  
1503 modify the provisions to enhance those construction  
1504 requirements.

1505 (g) Amendments or modifications to the foundation code  
1506 pursuant to this subsection shall remain effective only until  
1507 the adoption by the commission of the new edition of the Florida

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Building Code every third year. If amendments that expire pursuant to this paragraph are resubmitted through the Florida Building Commission code adoption process, the amendments must specifically address whether:

1. The provisions contained in the proposed amendment are addressed in the applicable international code.

2. The amendment demonstrates by evidence or data that the geographical jurisdiction of Florida exhibits a need to strengthen the foundation code beyond the needs or regional variations addressed by the foundation code, and why the proposed amendment applies to this state.

3. The proposed amendment was submitted or attempted to be included in the foundation codes to avoid resubmission to the Florida Building Code amendment process.

If the proposed amendment has been addressed in the international code in a substantially equivalent manner, the Florida Building Commission may not include the proposed amendment in the foundation code.

(8) Notwithstanding the provisions of subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code pursuant only to the rule adoption procedures contained in chapter 120. Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this

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subsection, amend the provisions to enhance those construction requirements. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission's website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments. The commission may approve amendments that are needed to address:

(a) Conflicts within the updated code;

(b) Conflicts between the updated code and the Florida Fire Prevention Code adopted pursuant to chapter 633;

~~(c) The omission of previously adopted Florida-specific amendments to the updated code if such omission is not supported by a specific recommendation of a technical advisory committee or particular action by the commission;~~

(c)~~(d)~~ Unintended results from the integration of previously adopted Florida-specific amendments with the model code;

(d)~~(e)~~ Equivalency of standards;

(e)~~(f)~~ Changes to or inconsistencies with federal or state law; or

(f)~~(g)~~ Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(9) (a) The commission may approve technical amendments to the Florida Building Code once each year for statewide or regional application upon a finding that the amendment:



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1564 1. Is needed in order to accommodate the specific needs of  
1565 this state.

1566 2. Has a reasonable and substantial connection with the  
1567 health, safety, and welfare of the general public.

1568 3. Strengthens or improves the Florida Building Code, or  
1569 in the case of innovation or new technology, will provide  
1570 equivalent or better products or methods or systems of  
1571 construction.

1572 4. Does not discriminate against materials, products,  
1573 methods, or systems of construction of demonstrated  
1574 capabilities.

1575 5. Does not degrade the effectiveness of the Florida  
1576 Building Code.

1577  
1578 ~~Furthermore,~~ The Florida Building Commission may approve  
1579 technical amendments to the code once each year to incorporate  
1580 into the Florida Building Code its own interpretations of the  
1581 code which are embodied in its opinions, final orders,  
1582 declaratory statements, and interpretations of hearing officer  
1583 panels under s. 553.775(3)(c), but ~~shall do so~~ only to the  
1584 extent that the incorporation of interpretations is needed to  
1585 modify the foundation codes to accommodate the specific needs of  
1586 this state. Amendments approved under this paragraph shall be  
1587 adopted by rule ~~pursuant to ss. 120.536(1) and 120.54,~~ after the  
1588 amendments have been subjected to ~~the provisions of~~ subsection  
1589 (3).

1590 (b) A proposed amendment must ~~shall~~ include a fiscal  
1591 impact statement that ~~which~~ documents the costs and benefits of

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1592 the proposed amendment. Criteria for the fiscal impact statement  
1593 shall be established by rule by the commission and shall include  
1594 the impact to local government relative to enforcement, the  
1595 impact to property and building owners, and the impact ~~as well~~  
1596 ~~as~~ to industry, relative to the cost of compliance. The  
1597 amendment must demonstrate by evidence or data that the state's  
1598 geographical jurisdiction exhibits a need to strengthen the  
1599 foundation code beyond the needs or regional variations  
1600 addressed by the foundation code and why the proposed amendment  
1601 applies to this state.

1602 (c) The commission may not approve any proposed amendment  
1603 that does not accurately and completely address all requirements  
1604 for amendment which are set forth in this section. The  
1605 commission shall require all proposed amendments and information  
1606 submitted with proposed amendments to be reviewed by commission  
1607 staff prior to consideration by any technical advisory  
1608 committee. These reviews shall be for sufficiency only and are  
1609 not intended to be qualitative in nature. Staff members shall  
1610 reject any proposed amendment that fails to include a fiscal  
1611 impact statement. Proposed amendments rejected by members of the  
1612 staff may not be considered by the commission or any technical  
1613 advisory committee.

1614 (d) Provisions of the Florida Building Code, including  
1615 those contained in referenced standards and criteria, relating  
1616 to wind resistance or the prevention of water intrusion may not  
1617 be amended pursuant to this subsection to diminish those  
1618 construction requirements; however, the commission may, subject  
1619 to conditions in this subsection, amend the provisions to

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enhance those construction requirements.

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(h) Storage sheds that are not designed for human habitation and that have a floor area of 720 square feet or less are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code. In addition, such buildings that are 400 square feet or less are not subject to the door height and width requirements of the Florida Building Code.

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or other building requirements. Further, the commission may recommend to the Legislature additional categories of buildings,

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1648 structures, or facilities which should be exempted from the  
1649 Florida Building Code, to be provided by law. The Florida  
1650 Building Code does not apply to temporary housing provided by  
1651 the Department of Corrections to any prisoner in the state  
1652 correctional system.

1653 Section 31. Paragraph (v) of subsection (1) of section  
1654 553.74, Florida Statutes, is amended to read:

1655 553.74 Florida Building Commission.—

1656 (1) The Florida Building Commission is created and shall  
1657 be located within the Department of Community Affairs for  
1658 administrative purposes. Members shall be appointed by the  
1659 Governor subject to confirmation by the Senate. The commission  
1660 shall be composed of 25 members, consisting of the following:

1661 (v) One member who is a representative of the green  
1662 building industry and who is a third-party commission agent, a  
1663 Florida board member of the United States Green Building Council  
1664 or Green Building Initiative, a professional who is accredited  
1665 under the International Green Construction Code (IGCC), or a  
1666 professional who is accredited under Leadership in Energy and  
1667 Environmental Design (LEED) ~~LEED-accredited professional.~~

1668  
1669 Any person serving on the commission under paragraph (c) or  
1670 paragraph (h) on October 1, 2003, and who has served less than  
1671 two full terms is eligible for reappointment to the commission  
1672 regardless of whether he or she meets the new qualification.

1673 Section 32. Subsection (5) of section 553.842, Florida  
1674 Statutes, is amended to read:

1675 553.842 Product evaluation and approval.—

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1676 (5) Statewide approval of products, methods, or systems of  
1677 construction may be achieved by one of the following methods.  
1678 One of these methods must be used by the commission to approve  
1679 the following categories of products: panel walls, exterior  
1680 doors, roofing, skylights, windows, shutters, and structural  
1681 components as established by the commission by rule. A product  
1682 may not be advertised, sold, offered, provided, distributed, or  
1683 marketed as hurricane, wind storm, or impact protection from  
1684 wind-borne debris during a hurricane or windstorm unless it is  
1685 approved pursuant to s. 553.842 or s. 553.8425. Any person who  
1686 advertises, sells, offers, provides, distributes, or markets a  
1687 product as hurricane, windstorm, or impact protection from wind-  
1688 borne debris without such approval is subject to the Florida  
1689 Deceptive and Unfair Trade Practices Act under part II of  
1690 chapter 501 brought by the enforcing authority as defined in s.  
1691 501.203.

1692 (a) Products for which the code establishes standardized  
1693 testing or comparative or rational analysis methods shall be  
1694 approved by submittal and validation of one of the following  
1695 reports or listings indicating that the product or method or  
1696 system of construction was ~~evaluated to be~~ in compliance with  
1697 the Florida Building Code and that the product or method or  
1698 system of construction is, for the purpose intended, at least  
1699 equivalent to that required by the Florida Building Code:

1700 1. A certification mark or listing of an approved  
1701 certification agency, which may be used only for products for  
1702 which the code designates standardized testing;

1703 2. A test report from an approved testing laboratory;

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1704           3. A product evaluation report based upon testing or  
1705 comparative or rational analysis, or a combination thereof, from  
1706 an approved product evaluation entity; or

1707           4. A product evaluation report based upon testing or  
1708 comparative or rational analysis, or a combination thereof,  
1709 developed and signed and sealed by a professional engineer or  
1710 architect, licensed in this state.

1711  
1712 A product evaluation report or a certification mark or listing  
1713 of an approved certification agency which demonstrates that the  
1714 product or method or system of construction complies with the  
1715 Florida Building Code for the purpose intended is ~~shall be~~  
1716 equivalent to a test report and test procedure ~~as~~ referenced in  
1717 the Florida Building Code. An application for state approval of  
1718 a product under subparagraph 1. must be approved by the  
1719 department after the commission staff or a designee verifies  
1720 that the application and related documentation are complete.  
1721 This verification must be completed within 10 business days  
1722 after receipt of the application. Upon approval by the  
1723 department, the product shall be immediately added to the list  
1724 of state-approved products maintained under subsection (13).  
1725 Approvals by the department shall be reviewed and ratified by  
1726 the commission's program oversight committee except for a  
1727 showing of good cause that a review by the full commission is  
1728 necessary. The commission shall adopt rules providing means to  
1729 cure deficiencies identified within submittals for products  
1730 approved under this paragraph.

1731           (b) Products, methods, or systems of construction for

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1732 which there are no specific standardized testing or comparative  
1733 or rational analysis methods established in the code may be  
1734 approved by submittal and validation of one of the following:

1735 1. A product evaluation report based upon testing or  
1736 comparative or rational analysis, or a combination thereof, from  
1737 an approved product evaluation entity indicating that the  
1738 product or method or system of construction was ~~evaluated to be~~  
1739 in compliance with the intent of the Florida Building Code and  
1740 that the product or method or system of construction is, for the  
1741 purpose intended, at least equivalent to that required by the  
1742 Florida Building Code; or

1743 2. A product evaluation report based upon testing or  
1744 comparative or rational analysis, or a combination thereof,  
1745 developed and signed and sealed by a professional engineer or  
1746 architect, licensed in this state, who certifies that the  
1747 product or method or system of construction is, for the purpose  
1748 intended, at least equivalent to that required by the Florida  
1749 Building Code.

1750 Section 33. Section 553.9061, Florida Statutes, is amended  
1751 to read:

1752 (Substantial rewording of section. See  
1753 s. 553.9061, F.S., for present text.)  
1754 553.9061 Scheduled increases in thermal efficiency  
1755 standards.—The energy efficiency standards for the Florida  
1756 Building Code as created in this chapter shall be based on the  
1757 national consensus standards of the International Energy  
1758 Conservation Code as referenced by the United States Department  
1759 of Energy.

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1760 Section 34. Subsections (3), (4), and (5) of section  
1761 553.909, Florida Statutes, are amended to read:

1762 553.909 Setting requirements for appliances; exceptions.—

1763 (3) Commercial or residential swimming pool ~~pumps or water~~  
1764 heaters manufactured and sold on or after December 31, 2011, for  
1765 installation in this state must ~~July 1, 2011, shall~~ comply with  
1766 the requirements of the Florida Energy Efficiency Code for  
1767 Building Construction ~~this subsection.~~

1768 ~~(a) Natural gas pool heaters shall not be equipped with~~  
1769 ~~constantly burning pilots.~~

1770 ~~(b) Heat pump pool heaters shall have a coefficient of~~  
1771 ~~performance at low temperature of not less than 4.0.~~

1772 ~~(c) The thermal efficiency of gas-fired pool heaters and~~  
1773 ~~oil-fired pool heaters shall not be less than 78 percent.~~

1774 ~~(d) All pool heaters shall have a readily accessible on-~~  
1775 ~~off switch that is mounted outside the heater and that allows~~  
1776 ~~shutting off the heater without adjusting the thermostat~~  
1777 ~~setting.~~

1778 (4) ~~(a)~~ Residential swimming pool filtration pumps and pump  
1779 motors manufactured and sold on or after December 31, 2011, for  
1780 installation in this state ~~July 1, 2011~~, must comply with the  
1781 requirements of the Florida Energy Efficiency Code for Building  
1782 Construction ~~in this subsection.~~

1783 ~~(b) Residential filtration pool pump motors shall not be~~  
1784 ~~split phase, shaded pole, or capacitor start induction run~~  
1785 ~~types.~~

1786 ~~(c) Residential filtration pool pumps and pool pump motors~~  
1787 ~~with a total horsepower of 1 HP or more shall have the~~



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1788 ~~capability of operating at two or more speeds with a low speed~~  
1789 ~~having a rotation rate that is no more than one-half of the~~  
1790 ~~motor's maximum rotation rate.~~

1791 ~~(d) Residential filtration pool pump motor controls shall~~  
1792 ~~have the capability of operating the pool pump at a minimum of~~  
1793 ~~two speeds. The default circulation speed shall be the~~  
1794 ~~residential filtration speed, with a higher speed override~~  
1795 ~~capability being for a temporary period not to exceed one normal~~  
1796 ~~cycle or 24 hours, whichever is less; except that circulation~~  
1797 ~~speed for solar pool heating systems shall be permitted to run~~  
1798 ~~at higher speeds during periods of usable solar heat gain.~~

1799 (5) Portable electric spas manufactured and sold on or  
1800 after December 31, 2011, for installation in this state must  
1801 comply with the requirements of the Florida Energy Efficiency  
1802 Code for Building Construction ~~spa standby power shall not be~~  
1803 ~~greater than 5 (V<sup>2</sup>/3) watts where V = the total volume, in~~  
1804 ~~gallons, when spas are measured in accordance with the spa~~  
1805 ~~industry test protocol.~~

1806 Section 35. Paragraph (a) of subsection (2) of section  
1807 627.711, Florida Statutes, is amended to read:

1808 627.711 Notice of premium discounts for hurricane loss  
1809 mitigation; uniform mitigation verification inspection form.—

1810 (2)(a) The Financial Services Commission shall develop by  
1811 rule a uniform mitigation verification inspection form that  
1812 shall be used by all insurers when submitted by policyholders  
1813 for the purpose of factoring discounts for wind insurance. In  
1814 developing the form, the commission shall seek input from  
1815 insurance, construction, and building code representatives.

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Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form signed by the following authorized mitigation inspectors:

1. A home inspector licensed under s. 468.8314 who has completed at least 3 hours of hurricane mitigation training approved by the Construction Industry Licensing Board which includes hurricane mitigation techniques and compliance with the uniform mitigation verification form and completion of a proficiency exam. ~~Thereafter, home inspectors licensed under s. 468.8314 must complete at least 2 hours of continuing education, as part of the existing licensure renewal requirements each year, related to mitigation inspection and the uniform mitigation form;~~

2. A building code inspector certified under s. 468.607;

3. A general, building, or residential contractor licensed under s. 489.111;

4. A professional engineer licensed under s. 471.015;

5. A professional architect licensed under s. 481.213; or

6. Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly complete a uniform mitigation verification form.

Section 36. This act shall take effect July 1, 2011.