

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 exemption for certain contractors from the prohibition  
36 against performing repairs on a home that has a home  
37 inspection report; deleting an obsolete provision;  
38 amending s. 468.8323, F.S.; clarifying a provision  
39 relating to the contents of a home inspection report;  
40 amending s. 468.8324, F.S.; providing alternative criteria  
41 for obtaining a home inspector's license; removing certain  
42 application requirements for a person who performs home  
43 inspection services and who qualifies for licensure on or  
44 before a specified date; amending s. 468.841, F.S.; adding  
45 licensed home inspectors to those who are exempt from  
46 complying with provisions related to mold assessment;  
47 amending s. 481.329, F.S.; providing that part II of ch.  
48 481, F.S., does not preclude any person who engages in the  
49 business of landscape design from submitting such plans to  
50 governmental agencies for approval; amending s. 489.103,  
51 F.S.; clarifying an exemption from construction  
52 contracting regulation relating to Habitat for Humanity;  
53 amending s. 489.105, F.S.; adding the term "glass and  
54 glazing contractors" to the definition of the term  
55 "contractor"; amending ss. 489.107 and 489.141, F.S.;  
56 conforming cross-references; amending s. 514.028, F.S.;

57 revising the composition of the advisory review board  
58 relating to public swimming pools and bathing facilities;  
59 creating s. 514.0315, F.S.; requiring public swimming  
60 pools and spas to be equipped with certain safety  
61 features; amending s. 527.06, F.S.; prohibiting the  
62 Department of Agriculture and Consumer Services and other  
63 state agencies from requiring compliance with certain  
64 national standards for liquefied petroleum gas tanks  
65 unless the department or agencies require compliance with  
66 a specified edition of the national standards; providing  
67 for repeal under certain circumstances; amending s.  
68 527.21, F.S.; revising the term "propane" for purposes of  
69 the Florida Propane Gas Education, Safety, and Research  
70 Act, to incorporate changes to certain national standards  
71 in a reference thereto; amending s. 553.502, F.S.;  
72 revising intent with respect to the Florida Americans with  
73 Disabilities Act; amending s. 553.503, F.S.; incorporating  
74 the Americans with Disabilities Act Standards for  
75 Accessible Design into state law by reference and  
76 directing that they be adopted by rule into the Florida  
77 Accessibility Code for Building Construction; amending s.  
78 553.504, F.S.; revising exceptions to incorporate the  
79 standards; amending s. 553.5041, F.S.; revising provisions  
80 relating to parking spaces for persons who have  
81 disabilities to incorporate the standards; amending ss.  
82 553.505 and 553.506, F.S.; conforming provisions to  
83 changes made by the act; amending s. 553.507, F.S.;  
84 providing for the applicability of the act; amending s.

85        553.509, F.S.; revising provisions relating to vertical  
86        accessibility to incorporate the standards; providing that  
87        buildings and facilities in this state do not have to  
88        comply with the changes provided by this act until the  
89        Florida Accessibility Code for Building Construction is  
90        updated; amending s. 553.73, F.S.; revising requirements  
91        relating to the Florida Building Code; specifying national  
92        codes to form the foundation for state building standards  
93        and codes; revising provisions for the amendment or  
94        modification of the foundation code; revising the criteria  
95        for approval by the Florida Building Commission of  
96        technical amendments to the code; exempting certain  
97        storage sheds from door height and width requirements;  
98        amending s. 553.74, F.S.; revising requirements for  
99        selecting a member of the Florida Building Commission;  
100        amending s. 553.842, F.S.; providing for the approval of  
101        certain windstorm products; providing a cause of action  
102        against any person who advertises, sells, offers,  
103        provides, distributes, or markets certain products without  
104        approval; repealing s. 553.9061, F.S., relating to  
105        requirements for scheduled increases in the energy  
106        performance of buildings subject to the Florida Energy  
107        Efficiency Code for Building Construction; amending s.  
108        553.909, F.S.; revising the requirements and effective  
109        dates for certain pool-related equipment; amending s.  
110        627.711, F.S.; revising requirements relating to home  
111        inspectors conducting hurricane mitigation inspections;  
112        providing effective dates.

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

Section 1. Subsection (4) of section 120.541, Florida Statutes, as amended by chapter 2010-279, Laws of Florida, is amended to read:

120.541 Statement of estimated regulatory costs.—

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

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

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

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

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

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

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

(11) (a) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion

141 projections in subsection (5) do not apply to any modification,  
142 maintenance, or repair of any existing structure within the  
143 limits of the existing foundation which does not require,  
144 involve, or include any additions to, or repair or modification  
145 of, the existing foundation of that structure. Specifically  
146 excluded from this exemption are seawalls or other rigid coastal  
147 or shore protection structures and any additions or enclosures  
148 added, constructed, or installed below the first dwelling floor  
149 or lowest deck of the existing structure. The Florida Building  
150 Commission may not adopt any rule having the effect of limiting  
151 any exceptions or exemptions contained within this paragraph.

152 Section 3. Section 162.12, Florida Statutes, is amended to  
153 read:

154 162.12 Notices.—

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

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

169 ~~first class mail directed to the addresses furnished to the~~  
170 ~~local government with a properly executed proof of mailing or~~  
171 ~~affidavit confirming the first class mailing;~~

172 (b) Hand delivery by the sheriff or other law enforcement  
173 officer, code inspector, or other person designated by the local  
174 governing body;

175 (c) Leaving the notice at the violator's usual place of  
176 residence with any person residing therein who is above 15 years  
177 of age and informing such person of the contents of the notice;  
178 or

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

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

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

190 2. Proof of publication shall be made as provided in ss.  
191 50.041 and 50.051.

192 (b)1. In lieu of publication as described in paragraph  
193 (a), such notice may be posted at least 10 days prior to the  
194 hearing, or prior to the expiration of any deadline contained in  
195 the notice, in at least two locations, one of which shall be the  
196 property upon which the violation is alleged to exist and the

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197 other of which shall be, in the case of municipalities, at the  
198 primary municipal government office, and in the case of  
199 counties, at the front door of the courthouse or the main county  
200 governmental center in said county.

201 2. Proof of posting shall be by affidavit of the person  
202 posting the notice, which affidavit shall include a copy of the  
203 notice posted and the date and places of its posting.

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

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

215 255.252 Findings and intent.—

216 (3) In order for ~~that such~~ energy-efficiency and  
217 sustainable materials considerations to become a function of  
218 building design and a model for future application in the  
219 private sector, it is ~~shall be~~ the policy of the state that  
220 buildings constructed and financed by the state be designed and  
221 constructed to comply with a sustainable building rating or a  
222 national model green building code ~~the United States Green~~  
223 ~~Building Council (USGBC) Leadership in Energy and Environmental~~  
224 ~~Design (LEED) rating system, the Green Building Initiative's~~



225 ~~Green Globes rating system, the Florida Green Building Coalition~~  
226 ~~standards, or a nationally recognized, high-performance green~~  
227 ~~building rating system as approved by the department.~~ It is  
228 further the policy of the state, if ~~when~~ economically feasible,  
229 to retrofit existing state-owned buildings in a manner that  
230 minimizes ~~which will minimize~~ the consumption of energy used in  
231 the operation and maintenance of such buildings.

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

253 funded from the operating budget.

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

256 255.253 Definitions; ss. 255.251-255.258.—

257 (7) "Sustainable building rating or national model green  
258 building code" ~~rating~~ means a rating system established by the  
259 United States Green Building Council (USGBC) Leadership in  
260 Energy and Environmental Design (LEED) rating system, the  
261 International Green Construction Code (IGCC), the Green Building  
262 Initiative's Green Globes rating system, the Florida Green  
263 Building Coalition standards, or a nationally recognized, high-  
264 performance green building rating system as approved by the  
265 department.

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

268 255.257 Energy management; buildings occupied by state  
269 agencies.—

270 (4) ADOPTION OF STANDARDS.—

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

280 (b) No state agency shall enter into new leasing

281 agreements for office space that does not meet Energy Star  
282 building standards, except when ~~determined by~~ the appropriate  
283 state agency head determines that no other viable or cost-  
284 effective alternative exists.

285 (c) All state agencies shall develop energy conservation  
286 measures and guidelines for new and existing office space where  
287 state agencies occupy more than 5,000 square feet. These  
288 conservation measures shall focus on programs that may reduce  
289 energy consumption and, when established, provide a net  
290 reduction in occupancy costs.

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

293 255.2575 Energy-efficient and sustainable buildings.—

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

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

311 468.8316 Continuing education.—

312 (1) The department may not renew a license until the  
313 licensee submits proof satisfactory to the department that  
314 during the 2 years before ~~prior to his or her~~ application for  
315 renewal the licensee ~~has~~ completed at least 14 hours of  
316 continuing education. Of the 14 hours, at least 2 hours must be  
317 in hurricane mitigation training that includes hurricane  
318 mitigation techniques and compliance with the uniform mitigation  
319 verification inspection form developed under s. 627.711(2). The  
320 department shall adopt rules establishing criteria for approving  
321 continuing education providers and courses ~~course content shall~~  
322 ~~be approved by the department by rule.~~

323 Section 9. Paragraph (f) of subsection (1) and subsection  
324 (3) of section 468.8319, Florida Statutes, are amended to read:

325 468.8319 Prohibitions; penalties.—

326 (1) A person may not:

327 (f) Perform or offer to perform any repairs to a home on  
328 which the inspector or the inspector's company has prepared a  
329 home inspection report. This paragraph does not apply to÷

330 ~~1. a home warranty company that is affiliated with or~~  
331 ~~retains a home inspector to perform repairs pursuant to a claim~~  
332 ~~made under a home warranty contract.~~

333 ~~2. A certified contractor who is classified in s.~~  
334 ~~489.105(3) as a Division I contractor. However, the department~~  
335 ~~may adopt rules requiring that, if such contractor performs the~~  
336 ~~home inspection and offers to perform the repairs, the contract~~

337 ~~for repairs provided to the homeowner discloses that he or she~~  
338 ~~has the right to request competitive bids.~~

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

342 Section 10. Paragraph (b) of subsection (1) of section  
343 468.8323, Florida Statutes, is amended to read:

344 468.8323 Home inspection report.—Upon completion of each  
345 home inspection for compensation, the home inspector shall  
346 provide a written report prepared for the client.

347 (1) The home inspector shall report:

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

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

355 468.8324 Grandfather clause.—

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

360 (a) Possesses certification as a one and two family  
361 dwelling inspector issued by the International Code Council or  
362 the Southern Building Code Congress International;

363 (b) Has been certified as a one and two family dwelling  
364 inspector by the Florida Building Code Administrators and

Inspectors Board under part XII of this chapter; or

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

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

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

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

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

393 scope of the respective licenses required under part XV of  
394 chapter 468, chapter 471, part I of chapter 481, chapter 482,  
395 chapter 489, or part XV of this chapter, are acting on behalf of  
396 an insurer under part VI of chapter 626, or are persons in the  
397 manufactured housing industry who are licensed under chapter  
398 320, except when any such persons or business organizations hold  
399 themselves out for hire to the public as a "certified mold  
400 assessor," "registered mold assessor," "licensed mold assessor,"  
401 "mold assessor," "professional mold assessor," or any  
402 combination thereof stating or implying licensure under this  
403 part.

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

406 481.329 Exceptions; exemptions from licensure.—

407 (5) Nothing in this part prohibits any person from  
408 engaging in the practice of landscape design, as defined in s.  
409 481.303(7), nor submitting such plans to governmental agencies  
410 for approval. Persons providing landscape design services shall  
411 not use the title, term, or designation "landscape architect,"  
412 "landscape architectural," "landscape architecture," "L.A.,"  
413 "landscape engineering," or any description tending to convey  
414 the impression that she or he is a landscape architect unless  
415 she or he is registered as provided in this part.

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

418 489.103 Exemptions.—This part does not apply to:

419 (18) Any one-family, two-family, or three-family residence  
420 constructed or rehabilitated by Habitat for Humanity

International, Inc., or its local affiliates. Habitat for Humanity International, Inc., or its local affiliates, must:

- (a) Obtain all necessary building permits.
- (b) Obtain all required building code inspections.
- (c) Provide for supervision of all work by an individual with construction experience.

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

489.105 Definitions.—As used in this part:

(3) "Contractor" means the person who is qualified for, and is ~~shall~~ only be responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the subsequent paragraphs of this subsection. For the purposes of regulation under this part, "demolish" applies only to demolition of steel tanks over 50 feet in height; towers over 50 feet in height; other structures over 50 feet in height, other than buildings or residences over three stories tall; and buildings or residences over three stories tall. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(r) ~~(d)-(q)~~:



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

454 (b) "Building contractor" means a contractor whose  
455 services are limited to construction of commercial buildings and  
456 single-dwelling or multiple-dwelling residential buildings,  
457 which ~~commercial or residential buildings~~ do not exceed three  
458 stories in height, and accessory use structures in connection  
459 therewith or a contractor whose services are limited to  
460 remodeling, repair, or improvement of any size building if the  
461 services do not affect the structural members of the building.

462 (c) "Residential contractor" means a contractor whose  
463 services are limited to construction, remodeling, repair, or  
464 improvement of one-family, two-family, or three-family  
465 residences not exceeding two habitable stories above no more  
466 than one uninhabitable story and accessory use structures in  
467 connection therewith.

468 (d) "Sheet metal contractor" means a contractor whose  
469 services are unlimited in the sheet metal trade and who has the  
470 experience, knowledge, and skill necessary for the manufacture,  
471 fabrication, assembling, handling, erection, installation,  
472 dismantling, conditioning, adjustment, insulation, alteration,  
473 repair, servicing, or design, if ~~when~~ not prohibited by law, of  
474 ferrous or nonferrous metal work of U.S. No. 10 gauge or its  
475 equivalent or lighter gauge and of other materials, including,  
476 but not limited to, fiberglass, used in lieu thereof and of air-

477 handling systems, including the setting of air-handling  
478 equipment and reinforcement of same, the balancing of air-  
479 handling systems, and any duct cleaning and equipment sanitizing  
480 ~~that~~ which requires at least a partial disassembling of the  
481 system.

482 (e) "Roofing contractor" means a contractor whose services  
483 are unlimited in the roofing trade and who has the experience,  
484 knowledge, and skill to install, maintain, repair, alter,  
485 extend, or design, if ~~when~~ not prohibited by law, and use  
486 materials and items used in the installation, maintenance,  
487 extension, and alteration of all kinds of roofing,  
488 waterproofing, and coating, except when coating is not  
489 represented to protect, repair, waterproof, stop leaks, or  
490 extend the life of the roof. The scope of work of a roofing  
491 contractor also includes required roof-deck attachments and any  
492 repair or replacement of wood roof sheathing or fascia as needed  
493 during roof repair or replacement.

494 (f) "Class A air-conditioning contractor" means a  
495 contractor whose services are unlimited in the execution of  
496 contracts requiring the experience, knowledge, and skill to  
497 install, maintain, repair, fabricate, alter, extend, or design,  
498 if ~~when~~ not prohibited by law, central air-conditioning,  
499 refrigeration, heating, and ventilating systems, including duct  
500 work in connection with a complete system if ~~only to the extent~~  
501 such duct work is performed by the contractor as ~~is~~ necessary to  
502 ~~make~~ complete an air-distribution system, boiler and unfired  
503 pressure vessel systems, and all appurtenances, apparatus, or  
504 equipment used in connection therewith, and any duct cleaning

505 and equipment sanitizing that ~~which~~ requires at least a partial  
506 disassembling of the system; to install, maintain, repair,  
507 fabricate, alter, extend, or design, if ~~when~~ not prohibited by  
508 law, piping, insulation of pipes, vessels and ducts, pressure  
509 and process piping, and pneumatic control piping; to replace,  
510 disconnect, or reconnect power wiring on the load side of the  
511 dedicated existing electrical disconnect switch; to install,  
512 disconnect, and reconnect low voltage heating, ventilating, and  
513 air-conditioning control wiring; and to install a condensate  
514 drain from an air-conditioning unit to an existing safe waste or  
515 other approved disposal other than a direct connection to a  
516 sanitary system. The scope of work for such contractor ~~shall~~  
517 also includes ~~include~~ any excavation work incidental thereto,  
518 but does ~~shall~~ not include any work such as liquefied petroleum  
519 or natural gas fuel lines within buildings, except for  
520 disconnecting or reconnecting changeouts of liquefied petroleum  
521 or natural gas appliances within buildings; potable water lines  
522 or connections thereto; sanitary sewer lines; swimming pool  
523 piping and filters; or electrical power wiring.

524 (g) "Class B air-conditioning contractor" means a  
525 contractor whose services are limited to 25 tons of cooling and  
526 500,000 Btu of heating in any one system in the execution of  
527 contracts requiring the experience, knowledge, and skill to  
528 install, maintain, repair, fabricate, alter, extend, or design,  
529 if ~~when~~ not prohibited by law, central air-conditioning,  
530 refrigeration, heating, and ventilating systems, including duct  
531 work in connection with a complete system only to the extent  
532 such duct work is performed by the contractor as ~~is~~ necessary to

533 ~~make~~ complete an air-distribution system being installed under  
534 this classification, and any duct cleaning and equipment  
535 sanitizing that ~~which~~ requires at least a partial disassembling  
536 of the system; to install, maintain, repair, fabricate, alter,  
537 extend, or design, if ~~when~~ not prohibited by law, piping and  
538 insulation of pipes, vessels, and ducts; to replace, disconnect,  
539 or reconnect power wiring on the load side of the dedicated  
540 existing electrical disconnect switch; to install, disconnect,  
541 and reconnect low voltage heating, ventilating, and air-  
542 conditioning control wiring; and to install a condensate drain  
543 from an air-conditioning unit to an existing safe waste or other  
544 approved disposal other than a direct connection to a sanitary  
545 system. The scope of work for such contractor ~~shall~~ also  
546 includes ~~include~~ any excavation work incidental thereto, but  
547 does ~~shall~~ not include any work such as liquefied petroleum or  
548 natural gas fuel lines within buildings, except for  
549 disconnecting or reconnecting changeouts of liquefied petroleum  
550 or natural gas appliances within buildings; potable water lines  
551 or connections thereto; sanitary sewer lines; swimming pool  
552 piping and filters; or electrical power wiring.

553 (h) "Class C air-conditioning contractor" means a  
554 contractor whose business is limited to the servicing of air-  
555 conditioning, heating, or refrigeration systems, including any  
556 duct cleaning and equipment sanitizing that ~~which~~ requires at  
557 least a partial disassembling of the system, and whose  
558 certification or registration, issued pursuant to this part, was  
559 valid on October 1, 1988. Only a ~~No~~ person who was ~~not~~  
560 ~~previously~~ registered or certified as a Class C air-conditioning

561 contractor as of October 1, 1988, shall be so registered or  
562 certified after October 1, 1988. However, the board shall  
563 continue to license and regulate those Class C air-conditioning  
564 contractors who held Class C licenses before ~~prior to~~ October 1,  
565 1988.

566 (i) "Mechanical contractor" means a contractor whose  
567 services are unlimited in the execution of contracts requiring  
568 the experience, knowledge, and skill to install, maintain,  
569 repair, fabricate, alter, extend, or design, if ~~when~~ not  
570 prohibited by law, central air-conditioning, refrigeration,  
571 heating, and ventilating systems, including duct work in  
572 connection with a complete system if ~~only to the extent~~ such  
573 duct work is performed by the contractor as ~~is~~ necessary to ~~make~~  
574 complete an air-distribution system, boiler and unfired pressure  
575 vessel systems, lift station equipment and piping, and all  
576 appurtenances, apparatus, or equipment used in connection  
577 therewith, and any duct cleaning and equipment sanitizing that  
578 ~~which~~ requires at least a partial disassembling of the system;  
579 to install, maintain, repair, fabricate, alter, extend, or  
580 design, if ~~when~~ not prohibited by law, piping, insulation of  
581 pipes, vessels and ducts, pressure and process piping, pneumatic  
582 control piping, gasoline tanks and pump installations and piping  
583 for same, standpipes, air piping, vacuum line piping, oxygen  
584 lines, nitrous oxide piping, ink and chemical lines, fuel  
585 transmission lines, liquefied petroleum gas lines within  
586 buildings, and natural gas fuel lines within buildings; to  
587 replace, disconnect, or reconnect power wiring on the load side  
588 of the dedicated existing electrical disconnect switch; to

589 install, disconnect, and reconnect low voltage heating,  
590 ventilating, and air-conditioning control wiring; and to install  
591 a condensate drain from an air-conditioning unit to an existing  
592 safe waste or other approved disposal other than a direct  
593 connection to a sanitary system. The scope of work for such  
594 contractor ~~shall~~ also includes ~~include~~ any excavation work  
595 incidental thereto, but does ~~shall~~ not include any work such as  
596 potable water lines or connections thereto, sanitary sewer  
597 lines, swimming pool piping and filters, or electrical power  
598 wiring.

599       (j) "Commercial pool/spa contractor" means a contractor  
600 whose scope of work involves, but is not limited to, the  
601 construction, repair, and servicing of any swimming pool, or hot  
602 tub or spa, whether public, private, or otherwise, regardless of  
603 use. The scope of work includes the installation, repair, or  
604 replacement of existing equipment, any cleaning or equipment  
605 sanitizing that ~~which~~ requires at least a partial disassembling,  
606 excluding filter changes, and the installation of new pool/spa  
607 equipment, interior finishes, the installation of package pool  
608 heaters, the installation of all perimeter piping and filter  
609 piping, and the construction of equipment rooms or housing for  
610 pool/spa equipment, and also includes the scope of work of a  
611 swimming pool/spa servicing contractor. The scope of such work  
612 does not include direct connections to a sanitary sewer system  
613 or to potable water lines. The installation, construction,  
614 modification, or replacement of equipment permanently attached  
615 to and associated with the pool or spa for the purpose of water  
616 treatment or cleaning of the pool or spa requires licensure;

617 however, the usage of such equipment for the purposes of water  
618 treatment or cleaning does ~~shall~~ not require licensure unless  
619 the usage involves construction, modification, or replacement of  
620 such equipment. Water treatment that does not require such  
621 equipment does not require a license. In addition, a license is  
622 ~~shall~~ ~~be~~ required for the cleaning of the pool or spa in a  
623 ~~any~~ way that does not affect the structural integrity of the  
624 pool or spa or its associated equipment.

625       (k) "Residential pool/spa contractor" means a contractor  
626 whose scope of work involves, but is not limited to, the  
627 construction, repair, and servicing of a ~~any~~ residential  
628 swimming pool, or hot tub or spa, regardless of use. The scope  
629 of work includes the installation, repair, or replacement of  
630 existing equipment, any cleaning or equipment sanitizing that  
631 ~~which~~ requires at least a partial disassembling, excluding  
632 filter changes, and the installation of new pool/spa equipment,  
633 interior finishes, the installation of package pool heaters, the  
634 installation of all perimeter piping and filter piping, and the  
635 construction of equipment rooms or housing for pool/spa  
636 equipment, and also includes the scope of work of a swimming  
637 pool/spa servicing contractor. The scope of such work does not  
638 include direct connections to a sanitary sewer system or to  
639 potable water lines. The installation, construction,  
640 modification, or replacement of equipment permanently attached  
641 to and associated with the pool or spa for the purpose of water  
642 treatment or cleaning of the pool or spa requires licensure;  
643 however, the usage of such equipment for the purposes of water  
644 treatment or cleaning does ~~shall~~ not require licensure unless

645 the usage involves construction, modification, or replacement of  
646 such equipment. Water treatment that does not require such  
647 equipment does not require a license. In addition, a license is  
648 ~~shall not be~~ required for the cleaning of the pool or spa in a  
649 ~~any~~ way that does not affect the structural integrity of the  
650 pool or spa or its associated equipment.

651 (1) "Swimming pool/spa servicing contractor" means a  
652 contractor whose scope of work involves, but is not limited to,  
653 the repair and servicing of a ~~any~~ swimming pool, or hot tub or  
654 spa, whether public or private, or otherwise, regardless of use.  
655 The scope of work includes the repair or replacement of existing  
656 equipment, any cleaning or equipment sanitizing that ~~which~~  
657 requires at least a partial disassembling, excluding filter  
658 changes, and the installation of new pool/spa equipment,  
659 interior refinishing, the reinstallation or addition of pool  
660 heaters, the repair or replacement of all perimeter piping and  
661 filter piping, the repair of equipment rooms or housing for  
662 pool/spa equipment, and the substantial or complete draining of  
663 a swimming pool, or hot tub or spa, for the purpose of ~~any~~  
664 repair or renovation. The scope of such work does not include  
665 direct connections to a sanitary sewer system or to potable  
666 water lines. The installation, construction, modification,  
667 substantial or complete disassembly, or replacement of equipment  
668 permanently attached to and associated with the pool or spa for  
669 the purpose of water treatment or cleaning of the pool or spa  
670 requires licensure; however, the usage of such equipment for the  
671 purposes of water treatment or cleaning does ~~shall~~ not require  
672 licensure unless the usage involves construction, modification,



673 substantial or complete disassembly, or replacement of such  
674 equipment. Water treatment that does not require such equipment  
675 does not require a license. In addition, a license is ~~shall~~ not  
676 ~~be~~ required for the cleaning of the pool or spa in a ~~any~~ way  
677 that does not affect the structural integrity of the pool or spa  
678 or its associated equipment.

679 (m) "Plumbing contractor" means a contractor whose  
680 contracting business consists of the execution of contracts  
681 requiring the experience, financial means, knowledge, and skill  
682 to install, maintain, repair, alter, extend, or, if ~~when~~ not  
683 prohibited by law, design plumbing. A plumbing contractor may  
684 install, maintain, repair, alter, extend, or, if ~~when~~ not  
685 prohibited by law, design the following without obtaining an ~~any~~  
686 additional local regulatory license, certificate, or  
687 registration: sanitary drainage or storm drainage facilities;  
688 venting systems; public or private water supply systems; septic  
689 tanks; drainage and supply wells; swimming pool piping;  
690 irrigation systems; or solar heating water systems and all  
691 appurtenances, apparatus, or equipment used in connection  
692 therewith, including boilers and pressure process piping and  
693 including the installation of water, natural gas, liquefied  
694 petroleum gas and related venting, and storm and sanitary sewer  
695 lines; and water and sewer plants and substations. The scope of  
696 work of the plumbing contractor also includes the design, if  
697 ~~when~~ not prohibited by law, and installation, maintenance,  
698 repair, alteration, or extension of air-piping, vacuum line  
699 piping, oxygen line piping, nitrous oxide piping, and all  
700 related medical gas systems; fire line standpipes and fire

701 sprinklers ~~if to the extent~~ authorized by law; ink and chemical  
702 lines; fuel oil and gasoline piping and tank and pump  
703 installation, except bulk storage plants; and pneumatic control  
704 piping systems, all in ~~such~~ a manner that complies ~~as to comply~~  
705 with all plans, specifications, codes, laws, and regulations  
706 applicable. The scope of work of the plumbing contractor applies  
707 ~~shall apply~~ to private property and public property, including  
708 ~~shall include~~ any excavation work incidental thereto, and  
709 includes ~~shall include~~ the work of the specialty plumbing  
710 contractor. Such contractor shall subcontract, with a qualified  
711 contractor in the field concerned, all other work incidental to  
712 the work but which is specified ~~herein~~ as being the work of a  
713 trade other than that of a plumbing contractor. ~~Nothing in~~ This  
714 definition does not ~~shall be construed to~~ limit the scope of  
715 work of any specialty contractor certified pursuant to s.  
716 489.113(6), and does not. ~~Nothing in this definition shall be~~  
717 ~~construed to~~ require certification or registration under this  
718 part of any authorized employee of a public natural gas utility  
719 or of a private natural gas utility regulated by the Public  
720 Service Commission when disconnecting and reconnecting water  
721 lines in the servicing or replacement of an existing water  
722 heater.

723 (n) "Underground utility and excavation contractor" means  
724 a contractor whose services are limited to the construction,  
725 installation, and repair, on public or private property, whether  
726 accomplished through open excavations or through other means,  
727 including, but not limited to, directional drilling, auger  
728 boring, jacking and boring, trenchless technologies, wet and dry

729 taps, grouting, and slip lining, of main sanitary sewer  
730 collection systems, main water distribution systems, storm sewer  
731 collection systems, and the continuation of utility lines from  
732 the main systems to a point of termination up to and including  
733 the meter location for the individual occupancy, sewer  
734 collection systems at property line on residential or single-  
735 occupancy commercial properties, or on multioccupancy properties  
736 at manhole or wye lateral extended to an invert elevation as  
737 engineered to accommodate future building sewers, water  
738 distribution systems, or storm sewer collection systems at storm  
739 sewer structures. However, an underground utility and excavation  
740 contractor may install empty underground conduits in rights-of-  
741 way, easements, platted rights-of-way in new site development,  
742 and sleeves for parking lot crossings no smaller than 2 inches  
743 in diameter if, ~~provided that~~ each conduit system installed is  
744 designed by a licensed professional engineer or an authorized  
745 employee of a municipality, county, or public utility and ~~that~~  
746 the installation of ~~any~~ such conduit does not include  
747 installation of any conductor wiring or connection to an  
748 energized electrical system. An underground utility and  
749 excavation contractor may ~~shall~~ not install ~~any~~ piping that is  
750 an integral part of a fire protection system as defined in s.  
751 633.021 beginning at the point where the piping is used  
752 exclusively for such system.

753 (o) "Solar contractor" means a contractor whose services  
754 consist of the installation, alteration, repair, maintenance,  
755 relocation, or replacement of solar panels for potable solar  
756 water heating systems, swimming pool solar heating systems, and

757 photovoltaic systems and any appurtenances, apparatus, or  
758 equipment used in connection therewith, whether public, private,  
759 or otherwise, regardless of use. A contractor, certified or  
760 registered pursuant to ~~the provisions of~~ this chapter, is not  
761 required to become a certified or registered solar contractor or  
762 to contract with a solar contractor in order to provide ~~any~~  
763 services enumerated in this paragraph that are within the scope  
764 of the services such contractors may render under this part.

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

774 (q) "Glass and glazing contractor" means a contractor  
775 whose services are unlimited in the execution of contracts  
776 requiring the experience, knowledge, and skill to install,  
777 attach, maintain, repair, fabricate, alter, extend, or design,  
778 in residential and commercial applications without any height  
779 restrictions, all types of windows, glass, and mirrors, whether  
780 fixed or movable; swinging or sliding glass doors attached to  
781 existing walls, floors, columns, or other structural members of  
782 the building; glass holding or supporting mullions or horizontal  
783 bars; structurally anchored impact-resistant opening protection  
784 attached to existing building walls, floors, columns, or other

785 structural members of the building; prefabricated glass, metal,  
786 or plastic curtain walls; storefront frames or panels; shower  
787 and tub enclosures; metal fascias; and caulking incidental to  
788 such work and assembly.

789 (r)~~(q)~~ "Specialty contractor" means a contractor whose  
790 scope of work and responsibility is limited to a particular  
791 phase of construction established in a category adopted by board  
792 rule and whose scope is limited to a subset of the activities  
793 described in one of the paragraphs of this subsection.

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

796 489.107 Construction Industry Licensing Board.—

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

799 (b) Division II is comprised of the roofing contractor,  
800 sheet metal contractor, air-conditioning contractor, mechanical  
801 contractor, pool contractor, plumbing contractor, and  
802 underground utility and excavation contractor members of the  
803 board; one of the members appointed pursuant to paragraph  
804 (2)(j); and one of the members appointed pursuant to paragraph  
805 (2)(k). Division II has jurisdiction over the regulation of  
806 contractors defined in s. 489.105(3)(d)-(q) ~~489.105(3)(d)-(p)~~.

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

811 Section 17. Paragraph (g) of subsection (2) of section  
812 489.141, Florida Statutes, is amended to read:

813 489.141 Conditions for recovery; eligibility.—

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

816 (g) The claimant has contracted with a licensee to perform  
817 a scope of work described in s. 489.105(3)(d)-(r) ~~489.105(3)(d)-~~  
818 ~~(g)~~.

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

821 514.028 Advisory review board.—

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

827 (a) A representative from the office of licensure and  
828 certification of the department.

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

830 (c) Three representatives from the swimming pool  
831 construction industry.

832 (d) A representative ~~Two representatives~~ from the public  
833 lodging industry.

834 (e) A representative from a county or local building  
835 department.

836 Section 19. Section 514.0315, Florida Statutes, is created  
837 to read:

838 514.0315 Required safety features for public swimming  
839 pools and spas.—

840 (1) A public swimming pool or spa must be equipped with an

841 anti-entrapment system or device that complies with American  
842 Society of Mechanical Engineers/American National Standards  
843 Institute standard A112.19.8, or any successor standard.

844 (2) A public swimming pool or spa with a single main drain  
845 other than an unblockable drain must be equipped with at least  
846 one of the following features that complies with any American  
847 Society of Mechanical Engineers, American National Standards  
848 Institute, American Standard for Testing and Materials, or other  
849 applicable consumer product safety standard for such system or  
850 device:

851 (a) A safety vacuum release system that ceases operation  
852 of the pump, reverses the circulation flow, or otherwise  
853 provides a vacuum release at a suction outlet when a blockage is  
854 detected and that has been tested by an independent third party  
855 and found to conform to American Society of Mechanical  
856 Engineers/American National Standards Institute standard  
857 A112.19.17, American Standard for Testing and Materials standard  
858 F2387, or any successor standard.

859 (b) A suction-limiting vent system with a tamper-resistant  
860 atmospheric opening.

861 (c) A gravity drainage system that uses a collector tank.

862 (d) An automatic pump shut-off system.

863 (e) A device or system that disables the drain.

864 (3) The determination and selection of a feature under  
865 subsection (2) for a public swimming pool or spa constructed  
866 before January 1, 1993, is at the sole discretion of the owner  
867 or operator of the public swimming pool or spa.

868 Section 20. Subsection (3) of section 527.06, Florida

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Statutes, is amended to read:

527.06 Rules.—

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

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

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

Section 21. Subsection (11) of section 527.21, Florida 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



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

Section 23. Section 553.503, Florida Statutes, is amended to read:

553.503 Adoption of federal standards ~~guidelines~~.—Subject

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925 to modifications under this part ~~the exceptions in s. 553.504,~~  
926 the federal Americans with Disabilities Act Standards for  
927 Accessible Design Accessibility Guidelines, and related  
928 regulations provided as adopted by reference in 28 C.F.R., parts  
929 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and  
930 Title II of Pub. L. No. 101-336, are hereby adopted and  
931 incorporated by reference as the law of this state and shall be  
932 incorporated into. ~~The guidelines shall establish the minimum~~  
933 ~~standards for the accessibility of buildings and facilities~~  
934 ~~built or altered within this state.~~ the 1997 Florida  
935 Accessibility Code for Building Construction and must be adopted  
936 by the Florida Building Commission in accordance with chapter  
937 120.

938 Section 24. Section 553.504, Florida Statutes, is amended  
939 to read:

940 553.504 Exceptions to applicability of the federal  
941 standards guidelines.—Notwithstanding the adoption of the  
942 Americans with Disabilities Act Standards for Accessible Design  
943 pursuant to Accessibility Guidelines in s. 553.503, all  
944 buildings, structures, and facilities in this state must ~~shall~~  
945 meet the following additional requirements if such requirements  
946 ~~when they~~ provide increased accessibility:

947 (1) All new or altered public buildings and facilities,  
948 private buildings and facilities, places of public  
949 accommodation, and commercial facilities, as those terms are  
950 defined by the standards, subject to this part, ss. 553.501-  
951 553.513 which may be frequented in, lived in, or worked in by  
952 ~~the public~~ must ~~shall~~ comply with this part ss. 553.501-553.513.

953           (2) All new single-family houses, duplexes, triplexes,  
954 condominiums, and townhouses shall provide at least one  
955 bathroom, located with maximum possible privacy, where bathrooms  
956 are provided on habitable grade levels, with a door that has a  
957 29-inch clear opening. However, if only a toilet room is  
958 provided at grade level, such toilet room must ~~shall~~ have a  
959 clear opening of at least ~~not less than~~ 29 inches.

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

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

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

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

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

979           ~~(c) Notwithstanding the requirements of reference 4.7.5 of~~  
980 ~~the guidelines, curb ramps located where pedestrians must use~~

981 ~~them and all curb ramps which are not protected by handrails or~~  
 982 ~~guardrails shall have flared sides with a slope not exceeding a~~  
 983 ~~ratio of 1 to 12.~~

984 ~~(3)(6)~~ Notwithstanding the requirements in s. 404.2.9  
 985 ~~reference 4.13.11 of the standards guidelines,~~ exterior hinged  
 986 doors must ~~shall~~ be ~~so~~ designed so that such doors can be pushed  
 987 or pulled open with a force not exceeding 8.5 foot pounds.

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

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

Capacity of Seating In Assembly Areas	Number of Required Wheelchair Locations
--	--

997 ~~1 to 25 1~~

998 ~~26 to 50 2~~

999 ~~51 to 100 4~~

1000  
 1001 ~~(b) For all remaining fixed seats, there shall be not less~~  
 1002 ~~than one such accessible and usable space for each 100 fixed~~  
 1003 ~~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 top of the seat, with a variation of plus or minus 1/2 inch. A portable or attached raised toilet seat shall be provided in all designated handicapped accessible rooms.~~

All buildings, structures, or facilities licensed as a hotel,

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1032 motel, or condominium pursuant to chapter 509 are ~~shall be~~  
1033 subject to ~~the provisions of~~ this subsection. This subsection  
1034 does not relieve ~~Nothing in this subsection shall be construed~~  
1035 ~~as relieving~~ the owner of the responsibility of providing  
1036 accessible rooms in conformance with ss. 224 and 806 of the  
1037 standards 9.1-9.5 of the guidelines.

1038 ~~(10) Notwithstanding the requirements in reference 4.29.2~~  
1039 ~~of the guidelines, all detectable warning surfaces required by~~  
1040 ~~the guidelines shall be governed by the requirements of American~~  
1041 ~~National Standards Institute A117.1-1986.~~

1042 ~~(11) Notwithstanding the requirements in references 4.31.2~~  
1043 ~~and 4.31.3 of the guidelines, the installation and placement of~~  
1044 ~~all public telephones shall be governed by the rules of the~~  
1045 ~~Florida Public Service Commission.~~

1046 (5) ~~(12)~~ Notwithstanding ss. 213 and 604 of the standards  
1047 ~~the requirements in references 4.1.3(11) and 4.16-4.23 of the~~  
1048 ~~guidelines, required~~ bathing rooms ~~restrooms~~ and toilet rooms in  
1049 new construction shall be designed and constructed in accordance  
1050 with the following ~~requirements~~:

1051 (a) The wheelchair standard accessible toilet compartment  
1052 must ~~restroom stall~~ shall contain an accessible lavatory within  
1053 it, which must be at least ~~the size of such lavatory to be not~~  
1054 ~~less than~~ 19 inches wide by 17 inches deep, nominal size, and  
1055 wall-mounted. The lavatory shall be mounted so as not to overlap  
1056 the clear floor space areas required by s. 604 of the standards  
1057 ~~4.17 figure 30(a) of the guidelines for the wheelchair standard~~  
1058 accessible toilet compartment stall and ~~to~~ comply with s. 606 of  
1059 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 25. Section 553.5041, Florida Statutes, is amended to read:

553.5041 Parking spaces for persons who have disabilities.—

(1) This section is not intended to expand or diminish the defenses available to a place of public accommodation under the Americans with Disabilities Act and the federal Americans with Disabilities Act Standards for Accessible Design Accessibility Guidelines, including, but not limited to, the readily

1088 achievable standard, and the standards applicable to alterations  
1089 to places of public accommodation and commercial facilities.

1090 Subject to the exceptions described in subsections (2), (4),  
1091 (5), and (6), if ~~when~~ the parking and loading zone requirements  
1092 of the federal standards and related regulations ~~Americans with~~  
1093 ~~Disabilities Act Accessibility Guidelines (ADAAG), as adopted by~~  
1094 ~~reference in 28 C.F.R. part 36, subparts A and D, and Title II~~  
1095 ~~of Pub. L. No. 101-336,~~ provide increased accessibility, those  
1096 requirements are adopted and incorporated by reference as the  
1097 law of this state.

1098 (2) State agencies and political subdivisions having  
1099 jurisdiction over street parking or publicly owned or operated  
1100 parking facilities are not required to provide a greater right-  
1101 of-way width than would otherwise be planned under regulations,  
1102 guidelines, or practices normally applied to new development.

1103 (3) Designated accessible ~~If parking spaces are provided~~  
1104 ~~for self-parking by employees or visitors, or both, accessible~~  
1105 ~~spaces shall be provided in each such parking area. Such spaces~~  
1106 shall be designed and marked for the exclusive use of ~~those~~  
1107 individuals who have a severe physical disability and have  
1108 permanent or temporary mobility problems that substantially  
1109 impair their ability to ambulate and who have been issued ~~either~~  
1110 a disabled parking permit under s. 316.1958 or s. 320.0848 or a  
1111 license plate under s. 320.084, s. 320.0842, s. 320.0843, or s.  
1112 320.0845.

1113 (4) The number of accessible parking spaces must comply  
1114 with the parking requirements in ~~ADAAG~~ s. 208 of the standards  
1115 ~~4.1~~ and the following:



1116 (a) There must be one accessible parking space in the  
1117 immediate vicinity of a publicly owned or leased building that  
1118 houses a governmental entity or a political subdivision,  
1119 including, but not limited to, state office buildings and  
1120 courthouses, if ~~no~~ parking for the public is not provided on the  
1121 premises of the building.

1122 (b) There must be one accessible parking space for each  
1123 150 metered on-street parking spaces provided by state agencies  
1124 and political subdivisions.

1125 (c) The number of parking spaces for persons who have  
1126 disabilities must be increased on the basis of demonstrated and  
1127 documented need.

1128 (5) Accessible perpendicular and diagonal accessible  
1129 parking spaces and loading zones must be designed and located to  
1130 ~~conform to in conformance with the guidelines set forth in ADAAG~~  
1131 ~~ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s.~~  
1132 ~~A4.6.3 "Universal Parking Design."~~

1133 (a) All spaces must be located on an accessible route that  
1134 is at least ~~no less than~~ 44 inches wide so that users are ~~will~~  
1135 not ~~be~~ compelled to walk or wheel behind parked vehicles except  
1136 behind his or her own vehicle.

1137 (b) ~~Each space must be located on the shortest safely~~  
1138 ~~accessible route from the parking space to an accessible~~  
1139 ~~entrance.~~ If there are multiple entrances or multiple retail  
1140 stores, the parking spaces must be dispersed to provide parking  
1141 at the nearest accessible entrance. If a theme park or an  
1142 entertainment complex as defined in s. 509.013(9) provides  
1143 parking in several lots or areas from which access to the theme

1144 park or entertainment complex is provided, a single lot or area  
1145 may be designated for parking by persons who have disabilities,  
1146 if the lot or area is located on the shortest ~~safely~~ accessible  
1147 route to an accessible entrance to the theme park or  
1148 entertainment complex or to transportation to such an accessible  
1149 entrance.

1150 (c)1. Each parking space must be at least ~~no less than~~ 12  
1151 feet wide. Parking access aisles must be at least ~~no less than~~ 5  
1152 feet wide and must be part of an accessible route to the  
1153 building or facility entrance. ~~In accordance with ADAAG s.~~  
1154 ~~4.6.3, access aisles must be placed adjacent to accessible~~  
1155 ~~parking spaces; however, two accessible parking spaces may share~~  
1156 ~~a common access aisle.~~ The access aisle must be striped  
1157 diagonally to designate it as a no-parking zone.

1158 2. The parking access aisles are reserved for the  
1159 temporary exclusive use of persons who have disabled parking  
1160 permits and who require extra space to deploy a mobility device,  
1161 lift, or ramp in order to exit from or enter a vehicle. Parking  
1162 is not allowed in an access aisle. Violators are subject to the  
1163 same penalties ~~that are~~ imposed for illegally parking in parking  
1164 spaces that are designated for persons who have disabilities. A  
1165 vehicle may not be parked in an access aisle, even if the  
1166 vehicle owner or passenger is disabled or owns a disabled  
1167 parking permit.

1168 3. Notwithstanding any other provision of this subsection  
1169 ~~to the contrary notwithstanding~~, a theme park or an  
1170 entertainment complex as defined in s. 509.013~~(9)~~ in which ~~are~~  
1171 ~~provided~~ continuous attendant services are provided for

1172 directing individuals to marked accessible parking spaces or  
1173 designated lots for parking by persons who have disabilities,  
1174 may, in lieu of the required parking space design, provide  
1175 parking spaces that comply with ~~ADAAG~~ ss. 208 and 502 of the  
1176 standards 4.1 and 4.6.

1177 (d) On-street parallel parking spaces ~~must be located~~  
1178 ~~either at the beginning or end of a block or adjacent to alley~~  
1179 ~~entrances. Such spaces must be designed to conform to in~~  
1180 ~~conformance with the guidelines set forth in ADAAG ss. 208 and~~  
1181 ~~502 of the standards, except that 4.6.2 through 4.6.5,~~  
1182 ~~exception:~~ access aisles are not required. Curbs adjacent to  
1183 such spaces must be of a height that does ~~will~~ not interfere  
1184 with the opening and closing of motor vehicle doors. This  
1185 subsection does not relieve the owner of the responsibility to  
1186 comply with the parking requirements of ~~ADAAG~~ ss. 208 and 502 of  
1187 the standards 4.1 and 4.6.

1188 ~~(e) Parallel parking spaces must be even with surface~~  
1189 ~~slopes, may match the grade of the adjacent travel lane, and~~  
1190 ~~must not exceed a cross slope of 1 to 50, where feasible.~~

1191 ~~(f) Curb ramps must be located outside of the disabled~~  
1192 ~~parking spaces and access aisles.~~

1193 (e)-(g)1. The removal of architectural barriers from a  
1194 parking facility in accordance with 28 C.F.R. s. 36.304 or with  
1195 s. 553.508 must comply with this section unless compliance would  
1196 cause the barrier removal not to be readily achievable. If  
1197 compliance would cause the barrier removal not to be readily  
1198 achievable, a facility may provide parking spaces at alternative  
1199 locations for persons who have disabilities and provide

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1200 appropriate signage directing such persons ~~who have disabilities~~  
1201 to the alternative parking if readily achievable. The facility  
1202 may not reduce the required number or dimensions of those spaces  
1203 ~~or, nor may it~~ unreasonably increase the length of the  
1204 accessible route from a parking space to the facility. The  
1205 removal of an architectural barrier must not create a  
1206 significant risk to the health or safety of a person who has a  
1207 disability or to ~~that of~~ others.

1208         2. A facility that is making alterations under s.  
1209 553.507(2) (b) must comply with this section to the maximum  
1210 extent feasible. If compliance with parking location  
1211 requirements is not feasible, the facility may provide parking  
1212 spaces at alternative locations for persons who have  
1213 disabilities and provide appropriate signage directing such  
1214 persons ~~who have a disability~~ to alternative parking. The  
1215 facility may not reduce the required number or dimensions of  
1216 those spaces, ~~or nor may it~~ unnecessarily increase the length of  
1217 the accessible route from a parking space to the facility. The  
1218 alteration must not create a significant risk to the health or  
1219 safety of a person who has a disability or to ~~that of~~ others.

1220         (6) Each such parking space must be striped in a manner  
1221 that is consistent with the standards of the controlling  
1222 jurisdiction for other spaces and prominently outlined with blue  
1223 paint, and must be repainted when necessary, to be clearly  
1224 distinguishable as a parking space designated for persons who  
1225 have disabilities. The space ~~and~~ must be posted with a permanent  
1226 above-grade sign of a color and design approved by the  
1227 Department of Transportation, which is placed on or at least 60

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1228 inches above the finished floor or ground surface measured to  
1229 the bottom of the sign ~~a distance of 84 inches above the ground~~  
1230 ~~to the bottom of the sign~~ and which bears the international  
1231 symbol of accessibility meeting the requirements of ~~ADAAG~~ s.  
1232 703.7.2.1 of the standards 4.30.7 and the caption "PARKING BY  
1233 DISABLED PERMIT ONLY." Such a sign erected after October 1,  
1234 1996, must indicate the penalty for illegal use of the space.  
1235 Notwithstanding any other provision of this section ~~to the~~  
1236 ~~contrary notwithstanding~~, in a theme park or an entertainment  
1237 complex as defined in s. 509.013~~(9)~~ in which accessible parking  
1238 is located in designated lots or areas, the signage indicating  
1239 the lot as reserved for accessible parking may be located at the  
1240 entrances to the lot in lieu of a sign at each parking place.  
1241 This subsection does not relieve the owner of the responsibility  
1242 of complying with the signage requirements of ~~ADAAG~~ s. 502.6 of  
1243 the standards 4.30.

1244 Section 26. Section 553.505, Florida Statutes, is amended  
1245 to read:

1246 553.505 Exceptions to applicability of the Americans with  
1247 Disabilities Act.—Notwithstanding the Americans with  
1248 Disabilities Act of 1990, private clubs are governed by this  
1249 part ss. 553.501-553.513. ~~Parking spaces, parking lots, and~~  
1250 ~~other parking facilities are governed by s. 553.5041 when that~~  
1251 ~~section provides increased accessibility.~~

1252 Section 27. Section 553.506, Florida Statutes, is amended  
1253 to read:

1254 553.506 Powers of the commission.—In addition to any other  
1255 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 28. 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 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

1284 residential to nonresidential or mixed use as defined by the  
1285 Florida Building Code. Such building or facility must, at a  
1286 minimum, comply with s. 553.508 and the requirements for  
1287 alterations as determined by the federal standards established  
1288 and adopted pursuant to s. 553.503.

1289 (4) Buildings and facilities where the original  
1290 construction or any former alteration or renovation was carried  
1291 out in violation of applicable permitting law.

1292 Section 29. Section 553.509, Florida Statutes, is amended  
1293 to read:

1294 553.509 Vertical accessibility.—

1295 (1) This part and the Americans with Disabilities Act  
1296 Standards for Accessible Design do not ~~Nothing in ss. 553.501-~~  
1297 ~~553.513 or the guidelines shall be construed to~~ relieve the  
1298 owner of any building, structure, or facility governed by this  
1299 part ~~those sections~~ from the duty to provide vertical  
1300 accessibility to all levels above and below the occupiable grade  
1301 level, regardless of whether the standards ~~guidelines~~ require an  
1302 elevator to be installed in such building, structure, or  
1303 facility, except for:

1304 (a) Elevator pits, elevator penthouses, mechanical rooms,  
1305 piping or equipment catwalks, and automobile lubrication and  
1306 maintenance pits and platforms. ~~†~~

1307 (b) Unoccupiable spaces, such as rooms, enclosed spaces,  
1308 and storage spaces that are not designed for human occupancy,  
1309 for public accommodations, or for work areas. ~~† and~~

1310 (c) Occupiable spaces and rooms that are not open to the  
1311 public and that house no more than five persons, including, but

not limited to, equipment control rooms and projection booths.

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

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

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

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

~~(2)(a) Any person, firm, or corporation that owns, manages, or operates a 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) and (3) and rules adopted by the Florida Building Commission, shall have at least one public elevator that is capable of operating on an alternate power source for emergency purposes. Alternate power shall be available for the purpose of allowing all residents access for a specified number of hours each day over a 5-day period following a natural disaster, manmade disaster, emergency, or other civil disturbance that disrupts the normal supply of electricity. The alternate power source that controls elevator operations must also be capable of powering any 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~~



1340 ~~addition to the required power source for the elevator and~~  
1341 ~~connected fire alarm system in the building, the alternate power~~  
1342 ~~supply must be sufficient to provide emergency lighting to the~~  
1343 ~~interior lobbies, hallways, and other portions of the building~~  
1344 ~~used by the public. Residential multifamily dwellings must have~~  
1345 ~~an available generator and fuel source on the property or have~~  
1346 ~~proof of a current contract posted in the elevator machine room~~  
1347 ~~or other place conspicuous to the elevator inspector affirming a~~  
1348 ~~current guaranteed service contract for such equipment and fuel~~  
1349 ~~source to operate the elevator on an on-call basis within 24~~  
1350 ~~hours after a request. By December 31, 2006, any person, firm or~~  
1351 ~~corporation that owns, manages, or operates a residential~~  
1352 ~~multifamily dwelling as defined in paragraph (a) must provide to~~  
1353 ~~the local building inspection agency verification of engineering~~  
1354 ~~plans for residential multifamily dwellings that provide for the~~  
1355 ~~capability to generate power by alternate means. Compliance with~~  
1356 ~~installation requirements and operational capability~~  
1357 ~~requirements must be verified by local building inspectors and~~  
1358 ~~reported to the county emergency management agency by December~~  
1359 ~~31, 2007.~~

1360 ~~(c) Each newly constructed residential multifamily~~  
1361 ~~dwelling, including a condominium, that is at least 75 feet high~~  
1362 ~~and contains a public elevator, as described in s. 399.035(2)~~  
1363 ~~and (3) and rules adopted by the Florida Building Commission,~~  
1364 ~~must have at least one public elevator that is capable of~~  
1365 ~~operating on an alternate power source for the purpose of~~  
1366 ~~allowing all residents access for a specified number of hours~~  
1367 ~~each day over a 5-day period following a natural disaster,~~

1368 ~~manmade disaster, emergency, or other civil disturbance that~~  
1369 ~~disrupts the normal supply of electricity. The alternate power~~  
1370 ~~source that controls elevator operations must be capable of~~  
1371 ~~powering any connected fire alarm system in the building. In~~  
1372 ~~addition to the required power source for the elevator and~~  
1373 ~~connected fire alarm system, the alternate power supply must be~~  
1374 ~~sufficient to provide emergency lighting to the interior~~  
1375 ~~lobbies, hallways, and other portions of the building used by~~  
1376 ~~the public. Engineering plans and verification of operational~~  
1377 ~~capability must be provided by the local building inspector to~~  
1378 ~~the county emergency management agency before occupancy of the~~  
1379 ~~newly constructed building.~~

1380 ~~(d) Each person, firm, or corporation that is required to~~  
1381 ~~maintain an alternate power source under this subsection shall~~  
1382 ~~maintain a written emergency operations plan that details the~~  
1383 ~~sequence of operations before, during, and after a natural or~~  
1384 ~~manmade disaster or other emergency situation. The plan must~~  
1385 ~~include, at a minimum, a lifesafety plan for evacuation,~~  
1386 ~~maintenance of the electrical and lighting supply, and~~  
1387 ~~provisions for the health, safety, and welfare of the residents.~~  
1388 ~~In addition, the owner, manager, or operator of the residential~~  
1389 ~~multifamily dwelling must keep written records of any contracts~~  
1390 ~~for alternative power generation equipment. Also, quarterly~~  
1391 ~~inspection records of lifesafety equipment and alternate power~~  
1392 ~~generation equipment must be posted in the elevator machine room~~  
1393 ~~or other place conspicuous to the elevator inspector, which~~  
1394 ~~confirm that such equipment is properly maintained and in good~~  
1395 ~~working condition, and copies of contracts for alternate power~~

1396 ~~generation equipment shall be maintained on site for~~  
1397 ~~verification. The written emergency operations plan and~~  
1398 ~~inspection records shall also be open for periodic inspection by~~  
1399 ~~local and state government agencies as deemed necessary. The~~  
1400 ~~owner or operator must keep a generator key in a lockbox posted~~  
1401 ~~at or near any installed generator unit.~~

1402 ~~(e) Multistory affordable residential dwellings for~~  
1403 ~~persons age 62 and older that are financed or insured by the~~  
1404 ~~United States Department of Housing and Urban Development must~~  
1405 ~~make every effort to obtain grant funding from the Federal~~  
1406 ~~Government or the Florida Housing Finance Corporation to comply~~  
1407 ~~with this subsection. If an owner of such a residential dwelling~~  
1408 ~~cannot comply with the requirements of this subsection, the~~  
1409 ~~owner must develop a plan with the local emergency management~~  
1410 ~~agency to ensure that residents are evacuated to a place of~~  
1411 ~~safety in the event of a power outage resulting from a natural~~  
1412 ~~or manmade disaster or other emergency situation that disrupts~~  
1413 ~~the normal supply of electricity for an extended period of time.~~  
1414 ~~A place of safety may include, but is not limited to, relocation~~  
1415 ~~to an alternative site within the building or evacuation to a~~  
1416 ~~local shelter.~~

1417 ~~(f) As a part of the annual elevator inspection required~~  
1418 ~~under s. 399.061, certified elevator inspectors shall confirm~~  
1419 ~~that all installed generators required by this chapter are in~~  
1420 ~~working order, have current inspection records posted in the~~  
1421 ~~elevator machine room or other place conspicuous to the elevator~~  
1422 ~~inspector, and that the required generator key is present in the~~  
1423 ~~lockbox posted at or near the installed generator. If a building~~

1424 ~~does not have an installed generator, the inspector shall~~  
1425 ~~confirm that the appropriate rewiring and switching~~  
1426 ~~capabilities are present and that a statement is posted in the~~  
1427 ~~elevator machine room or other place conspicuous to the elevator~~  
1428 ~~inspector affirming a current guaranteed contract exists for~~  
1429 ~~contingent services for alternate power is current for the~~  
1430 ~~operating period.~~

1431       (2) However, buildings, structures, and facilities must,  
1432 as a minimum, comply with the ~~requirements in the~~ Americans with  
1433 Disabilities Act Standards for Accessible Design Accessibility  
1434 ~~Guidelines.~~

1435       Section 30. Consistent with the federal implementation of  
1436 the 2010 Americans with Disabilities Act Standards for  
1437 Accessible Design, buildings and facilities in this state may be  
1438 designed in conformity with the 2010 standards if the design  
1439 also complies with Florida-specific requirements provided in  
1440 part II of chapter 553, Florida Statutes, until the Florida  
1441 Accessibility Code for Building Construction is updated to  
1442 implement the changes to part II of chapter 553, Florida  
1443 Statutes, as provided by this Act.

1444       Section 31. Effective January 1, 2012, subsections (3),  
1445 (7), (8), and (9) and paragraph (h) of subsection (10) of  
1446 section 553.73, Florida Statutes, are amended to read:

1447       553.73 Florida Building Code.—

1448       (3) The commission shall use the International Codes  
1449 published by the International Code Council, the National  
1450 Electric Code (NFPA 70), or other nationally adopted model codes  
1451 and standards needed to develop the base code in Florida ~~select~~

1452 ~~from available national or international model building codes,~~  
1453 ~~or other available building codes and standards currently~~  
1454 ~~recognized by the laws of this state,~~ to form the foundation for  
1455 the Florida Building Code. ~~The commission may modify the~~  
1456 ~~selected model codes and standards as needed to accommodate the~~  
1457 ~~specific needs of this state. Standards or criteria referenced~~  
1458 ~~by the selected model codes shall be similarly incorporated by~~  
1459 ~~reference. If a referenced standard or criterion requires~~  
1460 ~~amplification or modification to be appropriate for use in this~~  
1461 ~~state, only the amplification or modification shall be~~  
1462 ~~specifically set forth in the Florida Building Code.~~ The Florida  
1463 Building Commission may approve technical amendments to the  
1464 code, subject to ~~the requirements of~~ subsections (8) and (9),  
1465 after the amendments have been subject to the following  
1466 conditions:

1467 (a) The proposed amendment has been published on the  
1468 commission's website for a minimum of 45 days and all the  
1469 associated documentation has been made available to any  
1470 interested party before any consideration by a ~~any~~ Technical  
1471 Advisory Committee;

1472 (b) In order for a Technical Advisory Committee to make a  
1473 favorable recommendation to the commission, the proposal must  
1474 receive a three-fourths vote of the members present at the  
1475 Technical Advisory Committee meeting and at least half of the  
1476 regular members must be present in order to conduct a meeting;

1477 (c) After Technical Advisory Committee consideration and a  
1478 recommendation for approval of any proposed amendment, the  
1479 proposal must be published on the commission's website for at

1480 least ~~not less than~~ 45 days before any consideration by the  
1481 commission; and

1482 (d) A ~~Any~~ proposal may be modified by the commission based  
1483 on public testimony and evidence from a public hearing held in  
1484 accordance with chapter 120.

1485  
1486 The commission shall incorporate within sections of the Florida  
1487 Building Code provisions which address regional and local  
1488 concerns and variations. The commission shall make every effort  
1489 to minimize conflicts between the Florida Building Code, the  
1490 Florida Fire Prevention Code, and the Life Safety Code.

1491 (7)(a) The commission, by rule adopted pursuant to ss.  
1492 120.536(1) and 120.54, shall update the Florida Building Code  
1493 every 3 years. When updating the Florida Building Code, the  
1494 commission shall select the most current version of the  
1495 International Building Code, the International Fuel Gas Code,  
1496 the International Mechanical Code, the International Plumbing  
1497 Code, and the International Residential Code, all of which are  
1498 adopted by the International Code Council, and the National  
1499 Electrical Code, which is adopted by the National Fire  
1500 Protection Association, to form the foundation codes of the  
1501 updated Florida Building Code, if the version has been adopted  
1502 by the applicable model code entity. The commission shall select  
1503 the most current version of the International Energy  
1504 Conservation Code (IECC) as a foundation code; however, the IECC  
1505 shall be modified by the commission to maintain the efficiencies  
1506 of the Florida Energy Efficiency Code for Building Construction  
1507 adopted and amended pursuant to s. 553.901.

1508 (b) Codes regarding noise contour lines shall be reviewed  
1509 annually, and the most current federal guidelines shall be  
1510 adopted.

1511 (c) The commission may modify any portion of the  
1512 foundation codes only as needed to accommodate the specific  
1513 needs of this state, ~~maintaining Florida-specific amendments~~  
1514 ~~previously adopted by the commission and not addressed by the~~  
1515 ~~updated foundation code~~. Standards or criteria referenced by the  
1516 codes shall be incorporated by reference. If a referenced  
1517 standard or criterion requires amplification or modification to  
1518 be appropriate for use in this state, only the amplification or  
1519 modification shall be set forth in the Florida Building Code.  
1520 The commission may approve technical amendments to the updated  
1521 Florida Building Code after the amendments have been subject to  
1522 the conditions set forth in paragraphs (3)(a)-(d). Amendments to  
1523 the foundation codes which are adopted in accordance with this  
1524 subsection shall be clearly marked in printed versions of the  
1525 Florida Building Code so that the fact that the provisions are  
1526 Florida-specific amendments to the foundation codes is readily  
1527 apparent.

1528 (d) The commission shall further consider the commission's  
1529 own interpretations, declaratory statements, appellate  
1530 decisions, and approved statewide and local technical amendments  
1531 and shall incorporate such interpretations, statements,  
1532 decisions, and amendments into the updated Florida Building Code  
1533 only to the extent that they are needed to modify the foundation  
1534 codes to accommodate the specific needs of the state. A change  
1535 made by an institute or standards organization to any standard

1536 or criterion that is adopted by reference in the Florida  
1537 Building Code does not become effective statewide until it has  
1538 been adopted by the commission. Furthermore, the edition of the  
1539 Florida Building Code which is in effect on the date of  
1540 application for any permit authorized by the code governs the  
1541 permitted work for the life of the permit and any extension  
1542 granted to the permit.

1543 (e) A rule updating the Florida Building Code in  
1544 accordance with this subsection shall take effect no sooner than  
1545 6 months after publication of the updated code. Any amendment to  
1546 the Florida Building Code which is adopted upon a finding by the  
1547 commission that the amendment is necessary to protect the public  
1548 from immediate threat of harm takes effect immediately.

1549 (f) Provisions of the foundation codes, including those  
1550 contained in referenced standards and criteria, relating to wind  
1551 resistance or the prevention of water intrusion may not be  
1552 modified to diminish those construction requirements; however,  
1553 the commission may, subject to conditions in this subsection,  
1554 modify the provisions to enhance those construction  
1555 requirements.

1556 (g) Amendments or modifications to the foundation code  
1557 pursuant to this subsection shall remain effective only until  
1558 the effective date of a new edition of the Florida Building Code  
1559 every third year. Amendments or modifications related to state  
1560 agency regulations which are adopted and integrated into an  
1561 edition of the Florida Building Code shall be carried forward  
1562 into the next edition of the code, subject to modification as  
1563 provided in this part. If amendments that expire pursuant to



1564 this paragraph are resubmitted through the Florida Building  
1565 Commission code adoption process, the amendments must  
1566 specifically address whether:

1567 1. The provisions contained in the proposed amendment are  
1568 addressed in the applicable international code.

1569 2. The amendment demonstrates by evidence or data that the  
1570 geographical jurisdiction of Florida exhibits a need to  
1571 strengthen the foundation code beyond the needs or regional  
1572 variations addressed by the foundation code, and why the  
1573 proposed amendment applies to this state.

1574 3. The proposed amendment was submitted or attempted to be  
1575 included in the foundation codes to avoid resubmission to the  
1576 Florida Building Code amendment process.

1577  
1578 If the proposed amendment has been addressed in the  
1579 international code in a substantially equivalent manner, the  
1580 Florida Building Commission may not include the proposed  
1581 amendment in the foundation code.

1582 (8) Notwithstanding the provisions of subsection (3) or  
1583 subsection (7), the commission may address issues identified in  
1584 this subsection by amending the code pursuant only to the rule  
1585 adoption procedures contained in chapter 120. Provisions of the  
1586 Florida Building Code, including those contained in referenced  
1587 standards and criteria, relating to wind resistance or the  
1588 prevention of water intrusion may not be amended pursuant to  
1589 this subsection to diminish those construction requirements;  
1590 however, the commission may, subject to conditions in this  
1591 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:

1. Is needed in order to accommodate the specific needs of

1620 this state.

1621 2. Has a reasonable and substantial connection with the  
1622 health, safety, and welfare of the general public.

1623 3. Strengthens or improves the Florida Building Code, or  
1624 in the case of innovation or new technology, will provide  
1625 equivalent or better products or methods or systems of  
1626 construction.

1627 4. Does not discriminate against materials, products,  
1628 methods, or systems of construction of demonstrated  
1629 capabilities.

1630 5. Does not degrade the effectiveness of the Florida  
1631 Building Code.

1632  
1633 ~~Furthermore,~~ The Florida Building Commission may approve  
1634 technical amendments to the code once each year to incorporate  
1635 into the Florida Building Code its own interpretations of the  
1636 code which are embodied in its opinions, final orders,  
1637 declaratory statements, and interpretations of hearing officer  
1638 panels under s. 553.775(3)(c), but ~~shall do so~~ only to the  
1639 extent that the incorporation of interpretations is needed to  
1640 modify the foundation codes to accommodate the specific needs of  
1641 this state. Amendments approved under this paragraph shall be  
1642 adopted by rule ~~pursuant to ss. 120.536(1) and 120.54,~~ after the  
1643 amendments have been subjected to ~~the provisions of~~ subsection  
1644 (3).

1645 (b) A proposed amendment must ~~shall~~ include a fiscal  
1646 impact statement that ~~which~~ documents the costs and benefits of  
1647 the proposed amendment. Criteria for the fiscal impact statement

1648 shall be established by rule by the commission and shall include  
1649 the impact to local government relative to enforcement, the  
1650 impact to property and building owners, and the impact as well  
1651 ~~as~~ to industry, relative to the cost of compliance. The  
1652 amendment must demonstrate by evidence or data that the state's  
1653 geographical jurisdiction exhibits a need to strengthen the  
1654 foundation code beyond the needs or regional variations  
1655 addressed by the foundation code and why the proposed amendment  
1656 applies to this state.

1657 (c) The commission may not approve any proposed amendment  
1658 that does not accurately and completely address all requirements  
1659 for amendment which are set forth in this section. The  
1660 commission shall require all proposed amendments and information  
1661 submitted with proposed amendments to be reviewed by commission  
1662 staff prior to consideration by any technical advisory  
1663 committee. These reviews shall be for sufficiency only and are  
1664 not intended to be qualitative in nature. Staff members shall  
1665 reject any proposed amendment that fails to include a fiscal  
1666 impact statement. Proposed amendments rejected by members of the  
1667 staff may not be considered by the commission or any technical  
1668 advisory committee.

1669 (d) Provisions of the Florida Building Code, including  
1670 those contained in referenced standards and criteria, relating  
1671 to wind resistance or the prevention of water intrusion may not  
1672 be amended pursuant to this subsection to diminish those  
1673 construction requirements; however, the commission may, subject  
1674 to conditions in this subsection, amend the provisions to  
1675 enhance those construction requirements.

1676 (10) The following buildings, structures, and facilities  
1677 are exempt from the Florida Building Code as provided by law,  
1678 and any further exemptions shall be as determined by the  
1679 Legislature and provided by law:

1680 (h) Storage sheds that are not designed for human  
1681 habitation and that have a floor area of 720 square feet or less  
1682 are not required to comply with the mandatory wind-borne-debris-  
1683 impact standards of the Florida Building Code. In addition, such  
1684 buildings that are 400 square feet or less and that are intended  
1685 for use in conjunction with one- and two-family residences are  
1686 not subject to the door height and width requirements of the  
1687 Florida Building Code.

1688  
1689 With the exception of paragraphs (a), (b), (c), and (f), in  
1690 order to preserve the health, safety, and welfare of the public,  
1691 the Florida Building Commission may, by rule adopted pursuant to  
1692 chapter 120, provide for exceptions to the broad categories of  
1693 buildings exempted in this section, including exceptions for  
1694 application of specific sections of the code or standards  
1695 adopted therein. The Department of Agriculture and Consumer  
1696 Services shall have exclusive authority to adopt by rule,  
1697 pursuant to chapter 120, exceptions to nonresidential farm  
1698 buildings exempted in paragraph (c) when reasonably necessary to  
1699 preserve public health, safety, and welfare. The exceptions must  
1700 be based upon specific criteria, such as under-roof floor area,  
1701 aggregate electrical service capacity, HVAC system capacity, or  
1702 other building requirements. Further, the commission may  
1703 recommend to the Legislature additional categories of buildings,

1704 structures, or facilities which should be exempted from the  
1705 Florida Building Code, to be provided by law. The Florida  
1706 Building Code does not apply to temporary housing provided by  
1707 the Department of Corrections to any prisoner in the state  
1708 correctional system.

1709 Section 32. Paragraph (v) of subsection (1) of section  
1710 553.74, Florida Statutes, is amended to read:

1711 553.74 Florida Building Commission.—

1712 (1) The Florida Building Commission is created and shall  
1713 be located within the Department of Community Affairs for  
1714 administrative purposes. Members shall be appointed by the  
1715 Governor subject to confirmation by the Senate. The commission  
1716 shall be composed of 25 members, consisting of the following:

1717 (v) One member who is a representative of the green  
1718 building industry and who is a third-party commission agent, a  
1719 Florida board member of the United States Green Building Council  
1720 or Green Building Initiative, a professional who is accredited  
1721 under the International Green Construction Code (IGCC), or a  
1722 professional who is accredited under Leadership in Energy and  
1723 Environmental Design (LEED) ~~LEED-accredited professional.~~

1724  
1725 Any person serving on the commission under paragraph (c) or  
1726 paragraph (h) on October 1, 2003, and who has served less than  
1727 two full terms is eligible for reappointment to the commission  
1728 regardless of whether he or she meets the new qualification.

1729 Section 33. Subsection (5) of section 553.842, Florida  
1730 Statutes, is amended to read:

1731 553.842 Product evaluation and approval.—

1732           (5) Statewide approval of products, methods, or systems of  
1733 construction may be achieved by one of the following methods.  
1734 One of these methods must be used by the commission to approve  
1735 the following categories of products: panel walls, exterior  
1736 doors, roofing, skylights, windows, shutters, and structural  
1737 components as established by the commission by rule. A product  
1738 may not be advertised, sold, offered, provided, distributed, or  
1739 marketed as hurricane, windstorm, or impact protection from  
1740 wind-borne debris from a hurricane or windstorm unless it is  
1741 approved pursuant to s. 553.842 or s. 553.8425. Any person who  
1742 advertises, sells, offers, provides, distributes, or markets a  
1743 product as hurricane, windstorm, or impact protection from wind-  
1744 borne debris without such approval is subject to the Florida  
1745 Deceptive and Unfair Trade Practices Act under part II of  
1746 chapter 501 brought by the enforcing authority as defined in s.  
1747 501.203.

1748           (a) Products for which the code establishes standardized  
1749 testing or comparative or rational analysis methods shall be  
1750 approved by submittal and validation of one of the following  
1751 reports or listings indicating that the product or method or  
1752 system of construction was ~~evaluated to be~~ in compliance with  
1753 the Florida Building Code and that the product or method or  
1754 system of construction is, for the purpose intended, at least  
1755 equivalent to that required by the Florida Building Code:

1756           1. A certification mark or listing of an approved  
1757 certification agency, which may be used only for products for  
1758 which the code designates standardized testing;

1759           2. A test report from an approved testing laboratory;

1760           3. A product evaluation report based upon testing or  
1761 comparative or rational analysis, or a combination thereof, from  
1762 an approved product evaluation entity; or

1763           4. A product evaluation report based upon testing or  
1764 comparative or rational analysis, or a combination thereof,  
1765 developed and signed and sealed by a professional engineer or  
1766 architect, licensed in this state.

1767  
1768 A product evaluation report or a certification mark or listing  
1769 of an approved certification agency which demonstrates that the  
1770 product or method or system of construction complies with the  
1771 Florida Building Code for the purpose intended is ~~shall be~~  
1772 equivalent to a test report and test procedure ~~as~~ referenced in  
1773 the Florida Building Code. An application for state approval of  
1774 a product under subparagraph 1. must be approved by the  
1775 department after the commission staff or a designee verifies  
1776 that the application and related documentation are complete.  
1777 This verification must be completed within 10 business days  
1778 after receipt of the application. Upon approval by the  
1779 department, the product shall be immediately added to the list  
1780 of state-approved products maintained under subsection (13).  
1781 Approvals by the department shall be reviewed and ratified by  
1782 the commission's program oversight committee except for a  
1783 showing of good cause that a review by the full commission is  
1784 necessary. The commission shall adopt rules providing means to  
1785 cure deficiencies identified within submittals for products  
1786 approved under this paragraph.

1787           (b) Products, methods, or systems of construction for



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1788 which there are no specific standardized testing or comparative  
1789 or rational analysis methods established in the code may be  
1790 approved by submittal and validation of one of the following:

1791 1. A product evaluation report based upon testing or  
1792 comparative or rational analysis, or a combination thereof, from  
1793 an approved product evaluation entity indicating that the  
1794 product or method or system of construction was ~~evaluated to be~~  
1795 in compliance with the intent of the Florida Building Code and  
1796 that the product or method or system of construction is, for the  
1797 purpose intended, at least equivalent to that required by the  
1798 Florida Building Code; or

1799 2. A product evaluation report based upon testing or  
1800 comparative or rational analysis, or a combination thereof,  
1801 developed and signed and sealed by a professional engineer or  
1802 architect, licensed in this state, who certifies that the  
1803 product or method or system of construction is, for the purpose  
1804 intended, at least equivalent to that required by the Florida  
1805 Building Code.

1806 Section 34. Section 553.9061, Florida Statutes, is  
1807 repealed.

1808 Section 35. Subsections (3), (4), and (5) of section  
1809 553.909, Florida Statutes, are amended to read:

1810 553.909 Setting requirements for appliances; exceptions.—

1811 (3) Commercial or residential swimming pool ~~pumps or water~~  
1812 heaters manufactured and sold on or after December 31, 2011, for  
1813 installation in this state must ~~July 1, 2011, shall~~ comply with  
1814 the requirements of the Florida Energy Efficiency Code for  
1815 Building Construction ~~this subsection.~~

1816 ~~(a) Natural gas pool heaters shall not be equipped with~~  
1817 ~~constantly burning pilots.~~

1818 ~~(b) Heat pump pool heaters shall have a coefficient of~~  
1819 ~~performance at low temperature of not less than 4.0.~~

1820 ~~(c) The thermal efficiency of gas-fired pool heaters and~~  
1821 ~~oil-fired pool heaters shall not be less than 78 percent.~~

1822 ~~(d) All pool heaters shall have a readily accessible on-~~  
1823 ~~off switch that is mounted outside the heater and that allows~~  
1824 ~~shutting off the heater without adjusting the thermostat~~  
1825 ~~setting.~~

1826 (4) ~~(a)~~ Residential swimming pool filtration pumps and pump  
1827 motors manufactured and sold on or after December 31, 2011, for  
1828 installation in this state July 1, 2011, must comply with the  
1829 requirements of the Florida Energy Efficiency Code for Building  
1830 Construction in this subsection.

1831 ~~(b) Residential filtration pool pump motors shall not be~~  
1832 ~~split phase, shaded pole, or capacitor start induction run~~  
1833 ~~types.~~

1834 ~~(c) Residential filtration pool pumps and pool pump motors~~  
1835 ~~with a total horsepower of 1 HP or more shall have the~~  
1836 ~~capability of operating at two or more speeds with a low speed~~  
1837 ~~having a rotation rate that is no more than one-half of the~~  
1838 ~~motor's maximum rotation rate.~~

1839 ~~(d) Residential filtration pool pump motor controls shall~~  
1840 ~~have the capability of operating the pool pump at a minimum of~~  
1841 ~~two speeds. The default circulation speed shall be the~~  
1842 ~~residential filtration speed, with a higher speed override~~  
1843 ~~capability being for a temporary period not to exceed one normal~~

~~cycle or 24 hours, whichever is less; except that circulation speed for solar pool heating systems shall be permitted to run at higher speeds during periods of usable solar heat gain.~~

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

Section 36. Paragraph (a) of subsection (2) of section 627.711, Florida Statutes, is amended to read:

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

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

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1872 uniform mitigation verification form and completion of a  
1873 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~  
1874 ~~468.8314 must complete at least 2 hours of continuing education,~~  
1875 ~~as part of the existing licensure renewal requirements each~~  
1876 ~~year, related to mitigation inspection and the uniform~~  
1877 ~~mitigation form;~~

1878       2. A building code inspector certified under s. 468.607;

1879       3. A general, building, or residential contractor licensed  
1880 under s. 489.111;

1881       4. A professional engineer licensed under s. 471.015;

1882       5. A professional architect licensed under s. 481.213; or

1883       6. Any other individual or entity recognized by the  
1884 insurer as possessing the necessary qualifications to properly  
1885 complete a uniform mitigation verification form.

1886       Section 37. Except as otherwise expressly provided in this  
1887 act, this act shall take effect July 1, 2011.