

# FLORIDA BUILDING COMMISSION



## FACILITATOR'S SUMMARY REPORT OF THE JANUARY 17, 2012 TELECONFERENCE MEETING

*TALLAHASSEE, FLORIDA*

FACILITATION, MEETING AND PROCESS DESIGN BY



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**FLORIDA BUILDING COMMISSION**  
**JANUARY 17, 2012 TELECONFERENCE MEETING SUMMARY REPORT**

**TUESDAY, JANUARY 17, 2012**

**OPENING AND MEETING ATTENDANCE**

The meeting was opened at 10:00 AM, and the following Commissioners participated:

Dick Browdy, Chair, Bob Boyer, Ed Carson, Herminio Gonzalez, Ken Gregory, Jon Hamrick, Scott Mollan, John Scherer, Drew Smith, Jim Schock, Chris Schulte, and Jeff Stone.

**DCA Staff Present**

Leslie Anderson-Adams, Joe Bigelow, Rick Dixon, Ila Jones, Mo Madani, and Ann Stanton.

**Meeting Facilitation**

Commission meetings are facilitated by Jeff Blair from the FCRC Consensus center at Florida State University. Information at: <http://consensus.fsu.edu/>



**Project Webpage**

Information on the project, including agenda packets, meeting reports, and related documents may be found in downloadable formats at the project webpage below:

<http://consensus.fsu.edu/FBC/index.html>

**AGENDA REVIEW AND APPROVAL**

The Commission voted unanimously, 12 – 0 in favor, to approve the agenda as posted/presented including the following objectives during the January 17, 2012 meeting:

- To Hear a Legislative Update
- To Discuss and Decide on Relevant Legislative Issues
- To Discuss Next Meeting Date

The complete Agenda is included as Attachment I.

*(See Attachment I—Agenda)*

## **LEGISLATIVE ISSUES UPDATE**

Rick Dixon, Ila Jones and Mo Madani, Commission Staff, provided an update on legislative issues of interest to the Commission relative to the 2012 Florida Legislative Session, and answered member's questions. Staff provided the Commission with a status update on SB 704 (*Senator Bennett*) and SB 1032 (*Senator Benacquisto*).

### **DISCUSSION OF SB 704**

Rick Dixon advised that Section 2 of the bill amends s.381.0065, F.S., to add a definition of "bedroom" which is consistent with a definition developed in a joint Commission/Department of Health Workgroup project (Septic System Sizing Workgroup) to be applied to sizing of onsite sewage disposal systems (septic tanks).

Chairman Browdy asked if the Bill could be amended to refer to the Florida Building Code definition for "emergency escape and rescue opening" used in the bill definition. Staff responded that the option is included in the bill analysis provided to DBPR, and DBPR legislative affairs will be asked to pass his recommendation along to the Bill's sponsor.

Commissioner Carson asked if the definition in the Bill differs significantly from the definition developed in the Commission's Septic System Sizing Workgroup project. Staff responded no, the criteria are essentially the same.

Rick Dixon noted that Section 3 of the Bill adds a provision to s.468.604, F.S., the code administrator's licensing law, authorizing the acceptance of electronic filing of construction plans. Engineer's and Architect's licensing laws authorize electronic plans already.

Ila Jones explained the provision of Section 9 of the bill amending s.553.721, F.S., by authorizing allocation of \$925,000 each fiscal year to the Building Code Compliance and Mitigation Program (created by s.553.841, F.S.).

Commissioner Carson asked if Building Code Permit Surcharge fees would provide sufficient revenues each year to fund this program area (Building Code Compliance and Mitigation Program) and the other Commission programs.

Ila updated the Commission on revenues generated by the revision to the surcharge schedule and indicated in her judgment sufficient funds will be generated by the fees to support all of the relevant Commission programs.

Rick Dixon indicated there was one new provision in the "strike everything and replace" amendment that cleared Senator Bennett's Committee last week directing the Commission to develop an alternate design method for screen enclosure structures. Rick suggested the proponent of that proposal could explain to the Commission the problem they were trying to address and their justification for the requirement.

Tom Johnston, Town and Country Industries, explained insurance companies are no longer insuring screen enclosures and that has significantly impacted business. He indicated his company has been in discussion with two large property insurers regarding designs that would rely on removal of sections of screening to reduce wind pressures and provide for better survivability of screen structures while reducing costs of the structures. He explained the provisions of the Bill directs the

Commission to develop requirements for such designs to be included in the Florida Building Code but leaves development of the design criteria to the Commission.

Chairman Browdy expressed concern regarding the time constraints provided in the Bill's provision. The Chair indicated concern with the October 1, 2012 completion date stating it was too soon. Discussion and input by staff resulted in the proponent agreeing to pursue amending the Bill to extend the time to January 1, 2013.

*(See Attachment II—Senate Bill 704)*

### **DISCUSSION OF SB 1032**

Mo Madani explained the provisions of the Bill impacting the Florida Building Code and Florida Energy Efficiency Code for Building Construction, which include requirements for the solar reflectance of building roofs and “hardscapes” such as parking areas, walkways and plaza surfaces. Mo Madani indicated this language was also in a Bill last legislative session and staffs' expectation is this Bill will not go very far in the 2012 Legislative Session considering all of the other major business the Legislature will be focused on during the 2012 Legislative Session.

*(See Attachment III— Senate Bill 1032)*

### **LOGISTICS**

Rick advised Commissioners that conference call meetings had been scheduled for each week of the Legislative session but meetings would only be held if information had changed and/or if input from the Commission was needed regarding legislative issues.

Joe Belcher asked if there was an interested parties list that providing notification whether meetings are being held or not. Rick Dixon replied that notice would be posted on the Commission's website by the Friday before each Monday conference call.

### **NEXT STEPS**

Unless cancelled, the Commission will conduct teleconference meetings each Monday during the 2012 Florida Legislative Session as follows:

January 17, 2012, January 23, 2012, February 6, 2012, February 13, 2012, February 20, 2012, February 27, 2012, March 5, 2012, and March 12, 2012. The calls will start at 10:00 AM and Commissioners will be notified prior to each teleconference meeting.

Notice will be posted on the Commission's website by the Friday before each Monday conference call regarding whether the meeting will be conducted.

The next teleconference meeting is tentatively scheduled for 10:00 AM, Monday, January 23, 2012\*.

*\* May be cancelled depending on Legislative action.*

### **ADJOURN**

The Chair adjourned the meeting at 10:37 AM.

## **ATTACHMENT I**

### **AGENDA**

#### **FLORIDA BUILDING COMMISSION**

**January 17, 2012**

**Conference Call Meeting**

**Phone call in number: 888-808-6959**

**Conference call code: 7975951832**

#### **OBJECTIVES**

##### **Commission**

- Ø To Consider Regular Procedural Issues: Approval of Agenda and Facilitator's Report
- Ø To Consider Chair's Discussion Issues and Recommendations
- Ø To Consider Legislative Updates
- Ø To Consider Other Old and New Business as Approved by the Commission Chairman
- Ø To Consider Commissioner and Public Comments

##### **10:00 Convene**

**Approval of Agenda and Facilitator's Report**

**Chairman's Issues and Recommendations**

**Legislative updates**

**Old business**

**New business**

**Commissioner Comments**

**Public Comments**

**Adjourn**

ATTACHMENT II

SENATE BILL 704 (1/17/12 VERSION)

Florida Senate - 2012 SB 704

1 Senate Amendment (with title amendment)

2

3 Delete everything after the enacting clause

4 and insert:

5 Section 1. Subsection (1) of section 162.12, Florida

6 Statutes, is amended to read:

7 162.12 Notices.—

8 (1) All notices required by this part ~~must~~ shall be

9 provided to the alleged violator by:

10 (a) Certified mail ~~to, return receipt requested, provided~~

11 ~~if such notice is sent under this paragraph to the owner of the~~

12 ~~property in question at the address listed in the tax~~

13 ~~collector's office for tax notices, or to and at any other~~

14 ~~address provided by the property owner in writing to the local~~

15 ~~government for the purpose of receiving notices. For property~~

16 ~~owned by a corporation, notices may be provided by certified~~

17 ~~mail, return receipt requested, to the registered agent of the~~

18 ~~corporation. If any notice sent by certified mail is not signed~~

19 ~~as received within 30 days after the date of mailing by such~~

20 ~~owner and is returned as unclaimed or refused, notice may be~~

21 provided by posting as described in subparagraphs (2)(b)1. and

22 2. ~~and by first class mail directed to the addresses furnished~~

23 ~~to the local government with a properly executed proof of~~

24 ~~mailing or affidavit confirming the first class mailing;~~

25 (b) Hand delivery by the sheriff or other law enforcement

26 officer, code inspector, or other person designated by the local

27 governing body;

28 (c) Leaving the notice at the violator's usual place of

29 residence with any person residing therein who is above 15 years

30 of age and informing such person of the contents of the notice;

31 or

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

33 with the manager or other person in charge.

35 Evidence that an attempt has been made to hand deliver or mail

36 notice as provided in subsection (1), together with proof of

37 publication or posting as provided in subsection (2), shall be

38 sufficient to show that the notice requirements of this part

39 have been met, without regard to whether or not the alleged

40 violator actually received such notice.

41 Section 2. Present paragraphs (b) through (p) of subsection  
42 (2) of section 381.0065, Florida Statutes, are redesignated as  
43 paragraphs (c) through (q), respectively, a new paragraph (b) is  
44 added to that subsection, and paragraphs (w) through (z) are  
45 added to subsection (4) of that section, to read:  
46 381.0065 Onsite sewage treatment and disposal systems;  
47 regulation.—

48 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:

50 (b)1. “Bedroom” means a room that can be used for sleeping  
51 and that:

52 a. For site-built dwellings, has a minimum of 70 square  
53 feet of conditioned space;

54 b. For manufactured homes, is constructed according to the  
55 standards of the United States Department of Housing and Urban  
56 Development and has a minimum of 50 square feet of floor area;

57 c. Is located along an exterior wall;

58 d. Has a closet and a door or an entrance where a door  
59 could be reasonably installed; and

60 e. Has an emergency means of escape and rescue opening to  
61 the outside.

62 2. A room may not be considered a bedroom if it is used to  
63 access another room except a bathroom or closet.

64 3. “Bedroom” does not include a hallway, bathroom, kitchen,  
65 living room, family room, dining room, den, breakfast nook,  
66 pantry, laundry room, sunroom, recreation room, media/video  
67 room, or exercise room.

68 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
69 construct, repair, modify, abandon, or operate an onsite sewage  
70 treatment and disposal system without first obtaining a permit  
71 approved by the department. The department may issue permits to  
72 carry out this section, but shall not make the issuance of such 73 permits contingent upon prior  
approval by the Department of 74 Environmental Protection, except that the issuance of a permit  
75 for work seaward of the coastal construction control line 76 established under s. 161.053 shall be  
contingent upon receipt of 77 any required coastal construction control line permit from the 78  
Department of Environmental Protection. A construction permit is 79 valid for 18 months from the  
issuance date and may be extended 80 by the department for one 90-day period under rules adopted  
by 81 the department. A repair permit is valid for 90 days from the 82 date of issuance. An operating  
permit must be obtained prior to 83 the use of any aerobic treatment unit or if the establishment 84  
generates commercial waste. Buildings or establishments that use 85 an aerobic treatment unit or  
generate commercial waste shall be 86 inspected by the department at least annually to assure 87  
compliance with the terms of the operating permit. The operating 88 permit for a commercial  
wastewater system is valid for 1 year 89 from the date of issuance and must be renewed annually.  
The 90 operating permit for an aerobic treatment unit is valid for 2 91 years from the date of  
issuance and must be renewed every 2 92 years. If all information pertaining to the siting, location,  
93 and installation conditions or repair of an onsite sewage 94 treatment and disposal system  
remains the same, a construction 95 or repair permit for the onsite sewage treatment and disposal 96

system may be transferred to another person, if the transferee 97 files, within 60 days after the transfer of ownership, an 98 amended application providing all corrected information and 99 proof of ownership of the property. There is no fee associated with the processing of this supplemental information. A person 101 may not contract to construct, modify, alter, repair, service, 102 abandon, or maintain any portion of an onsite sewage treatment 103 and disposal system without being registered under part III of 104 chapter 489. A property owner who personally performs 105 construction, maintenance, or repairs to a system serving his or 106 her own owner-occupied single-family residence is exempt from 107 registration requirements for performing such construction, 108 maintenance, or repairs on that residence, but is subject to all 109 permitting requirements. A municipality or political subdivision 110 of the state may not issue a building or plumbing permit for any 111 building that requires the use of an onsite sewage treatment and 112 disposal system unless the owner or builder has received a 113 construction permit for such system from the department. A 114 building or structure may not be occupied and a municipality, 115 political subdivision, or any state or federal agency may not 116 authorize occupancy until the department approves the final 117 installation of the onsite sewage treatment and disposal system. 118 A municipality or political subdivision of the state may not 119 approve any change in occupancy or tenancy of a building that 120 uses an onsite sewage treatment and disposal system until the 121 department has reviewed the use of the system with the proposed 122 change, approved the change, and amended the operating permit. 123 (n) Evaluations for determining the seasonal high-water 124 table elevations or the suitability of soils for the use of a 125 new onsite sewage treatment and disposal system shall be 126 performed by department personnel, professional engineers 127 registered in the state, or such other persons with expertise, 128 as defined by rule, in making such evaluations. Evaluations for 129 determining mean annual flood lines shall be performed by those 130 persons identified in paragraph ~~(2)(j)~~ ~~(2)(f)~~. The department 131 shall accept evaluations submitted by professional engineers and 132 such other persons as meet the expertise established by this 133 section or by rule unless the department has a reasonable 134 scientific basis for questioning the accuracy or completeness of 135 the evaluation. 136 (w) A permit that is approved by the department and issued for the installation, modification, or repair of an onsite sewage treatment and disposal system shall be transferred along with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. 145 (x)1. An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and was properly functioning at the time of disconnection and was not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if: 152 a. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, provided that the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster; 157 b. The system is not a sanitary nuisance; and 158 c. The system has not been altered without prior authorization. 160 2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned. 163 (y) If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval apply at the time of final



approval if fundamental site 171 conditions have not changed between the time of construction 172 approval and final approval. 173 (z) A modification, replacement, or upgrade of an onsite 174 sewage treatment and disposal system is not required for a 175 remodeling addition to a single-family home if a bedroom is not 176 added. 177 Section 3. Section 468.604, Florida Statutes, is amended to 178 read: 179 468.604 Responsibilities of building code administrators, 180 plans examiners, and inspectors.— 181 (1) It is the responsibility of the building code 182 administrator or building official to administrate, supervise, 183 direct, enforce, or perform the permitting and inspection of 184 construction, alteration, repair, remodeling, or demolition of 185 structures and the installation of building systems within the 186 boundaries of their governmental jurisdiction, when permitting 187 is required, to ensure compliance with the Florida Building Code 188 and any applicable local technical amendment to the Florida 189 Building Code. The building code administrator or building 190 official shall faithfully perform these responsibilities without 191 interference from any person. These responsibilities include: 192 (a) The review of construction plans to ensure compliance 193 with all applicable sections of the code. The construction plans 194 must be reviewed before the issuance of any building, system 195 installation, or other construction permit. The review of 196 construction plans must be done by the building code 197 administrator or building official or by a person having the 198 appropriate plans examiner license issued under this chapter. 199 (b) The inspection of each phase of construction where a 200 building or other construction permit has been issued. The 201 building code administrator or building official, or a person 202 having the appropriate building code inspector license issued 203 under this chapter, shall inspect the construction or 204 installation to ensure that the work is performed in accordance 205 with applicable sections of the code. 206 (2) It is the responsibility of the building code inspector 207 to conduct inspections of construction, alteration, repair, 208 remodeling, or demolition of structures and the installation of 209 building systems, when permitting is required, to ensure 210 compliance with the Florida Building Code and any applicable 211 local technical amendment to the Florida Building Code. Each 212 building code inspector must be licensed in the appropriate 213 category as defined in s. 468.603. The building code inspector’s 214 responsibilities must be performed under the direction of the 215 building code administrator or building official without 216 interference from any unlicensed person. 217 (3) It is the responsibility of the plans examiner to 218 conduct review of construction plans submitted in the permit 219 application to assure compliance with the Florida Building Code 220 and any applicable local technical amendment to the Florida 221 Building Code. The review of construction plans must be done by 222 the building code administrator or building official or by a 223 person licensed in the appropriate plans examiner category as 224 defined in s. 468.603. The plans examiner’s responsibilities 225 must be performed under the supervision and authority of the 226 building code administrator or building official without 227 interference from any unlicensed person. 228 (4) The Legislature finds that the electronic filing of 229 construction plans will increase government efficiency, reduce 230 costs, and increase timeliness of processing permits. If the 231 building code administrator or building official provides for 232 electronic filing, the construction plans, drawings, 233 specifications, reports, final documents, or documents prepared 234 or issued by a licensee may be dated and electronically signed 235 and sealed by the licensee in accordance with ss. 668.001 236 668.006 and may be transmitted electronically to the building 237 code administrator or building official for approval. 238 Section 4. Paragraph (c) of subsection (2) and paragraph 239 (a) of subsection (7) of section 468.609, Florida Statutes, are 240 amended to read: 241 468.609 Administration of this part; standards for 242 certification; additional categories of certification.— 243 (2) A person may take the examination for certification as 244 a building code inspector or plans examiner pursuant to this 245 part if the person: 246 (c) Meets eligibility requirements according to one of the 247 following

criteria: 248 1. Demonstrates 5 years' combined experience in the field 249 of construction or a related field, building code inspection, or 250 plans review corresponding to the certification category sought; 251 2. Demonstrates a combination of postsecondary education in 252 the field of construction or a related field and experience 253 which totals 4 years, with at least 1 year of such total being 254 experience in construction, building code inspection, or plans 255 review; 256 3. Demonstrates a combination of technical education in the 257 field of construction or a related field and experience which 258 totals 4 years, with at least 1 year of such total being 259 experience in construction, building code inspection, or plans 260 review; 261 4. Currently holds a standard certificate as issued by the 262 board, or a fire safety inspector license issued pursuant to 263 chapter 633, and has a minimum of 2 years' verifiable full-time 264 experience in inspection or plan review and satisfactorily 265 completes a building code inspector or plans examiner training 266 program of not less than 200 hours in the certification category 267 sought. The board shall establish by rule criteria for the 268 development and implementation of the training programs; or 269 5. Demonstrates a combination of the completion of an 270 approved training program in the field of building code 271 inspection or plan review and a minimum of 2 years' experience 272 in the field of building code inspection, plan review, fire code 273 inspections and fire plans review of new buildings as a 274 firesafety inspector certified under s. 633.081(2), or 275 construction. The approved training portion of this requirement 276 shall include proof of satisfactory completion of a training 277 program of not less than 300 hours which is approved by the 278 board in the chosen category of building code inspection or plan 279 review in the certification category sought with not less than 280 20 hours of instruction in state laws, rules, and ethics 281 relating to professional standards of practice, duties, and 282 responsibilities of a certificateholder. The board shall 283 coordinate with the Building Officials Association of Florida, 284 Inc., to establish by rule the development and implementation of 285 the training program. 286 (7)(a) The board may provide for the issuance of 287 provisional certificates valid for 1 year ~~such period, not less 288 than 3 years nor more than 5 years~~, as specified by board rule, 289 to any newly employed or promoted building code inspector or 290 plans examiner who meets the eligibility requirements described 291 in subsection (2) and any newly employed or promoted building 292 code administrator who meets the eligibility requirements 293 described in subsection (3). The provisional license may be 294 renewed by the board for just cause; however, a provisional 295 license is not valid for a period longer than 3 years. 296 Section 5. Subsection (3) of section 489.105, Florida 297 Statutes, is amended, and subsection (6) of that section is 298 reenacted, to read: 299 489.105 Definitions.—As used in this part: 300 (3) “Contractor” means the person who is qualified for, and 301 is only responsible for, the project contracted for and means, 302 except as exempted in this part, the person who, for 303 compensation, undertakes to, submits a bid to, or does himself 304 or herself or by others construct, repair, alter, remodel, add 305 to, demolish, subtract from, or improve any building or 306 structure, including related improvements to real estate, for 307 others or for resale to others; and whose job scope is 308 substantially similar to the job scope described in one of the 309 ~~subsequent paragraphs of this subsection. For the purposes of 310 regulation under this part, the term “demolish” applies only to 311 demolition of steel tanks more than over 50 feet in height; 312 towers more than over 50 feet in height; other structures more 313 than over 50 feet in height; and all, other than buildings or 314 residences over three stories tall; and buildings or residences 315 over three stories tall.~~ Contractors are subdivided into two 316 divisions, Division I, consisting of those contractors defined 317 in paragraphs (a)-(c), and Division II, consisting of those 318 contractors defined in paragraphs (d)-(r): 319 (a) “General contractor” means a contractor whose services 320 are unlimited as to the type of work which he or she may do, who 321 may contract for any activity requiring licensure under this 322 part, and who may perform any work requiring licensure under

323 this part, except as otherwise expressly provided in s. 489.113. 324 (b) “Building contractor” means a contractor whose services 325 are limited to construction of commercial buildings and single 326 dwelling or multiple-dwelling residential buildings, which do 327 not exceed three stories in height, and accessory use structures 328 in connection therewith or a contractor whose services are 329 limited to remodeling, repair, or improvement of any size 330 building if the services do not affect the structural members of 331 the building. 332 (c) “Residential contractor” means a contractor whose 333 services are limited to construction, remodeling, repair, or 334 improvement of one-family, two-family, or three-family 335 residences not exceeding two habitable stories above no more 336 than one uninhabitable story and accessory use structures in 337 connection therewith. 338 (d) “Sheet metal contractor” means a contractor whose 339 services are unlimited in the sheet metal trade and who has the 340 experience, knowledge, and skill necessary for the manufacture, 341 fabrication, assembling, handling, erection, installation, 342 dismantling, conditioning, adjustment, insulation, alteration, 343 repair, servicing, or design, if not prohibited by law, of 344 ferrous or nonferrous metal work of U.S. No. 10 gauge or its 345 equivalent or lighter gauge and of other materials, including, 346 but not limited to, fiberglass, used in lieu thereof and of air 347 handling systems, including the setting of air-handling 348 equipment and reinforcement of same, the balancing of air 349 handling systems, and any duct cleaning and equipment sanitizing 350 that requires at least a partial disassembling of the system. 351 (e) “Roofing contractor” means a contractor whose services 352 are unlimited in the roofing trade and who has the experience, 353 knowledge, and skill to install, maintain, repair, alter, 354 extend, or design, if not prohibited by law, and use materials 355 and items used in the installation, maintenance, extension, and 356 alteration of all kinds of roofing, waterproofing, and coating, 357 except when coating is not represented to protect, repair, 358 waterproof, stop leaks, or extend the life of the roof. The 359 scope of work of a roofing contractor also includes required 360 roof-deck attachments and any repair or replacement of wood roof 361 sheathing or fascia as needed during roof repair or replacement. 362 (f) “Class A air-conditioning contractor” means a 363 contractor whose services are unlimited in the execution of 364 contracts requiring the experience, knowledge, and skill to 365 install, maintain, repair, fabricate, alter, extend, or design, 366 if not prohibited by law, central air-conditioning, 367 refrigeration, heating, and ventilating systems, including duct 368 work in connection with a complete system if such duct work is 369 performed by the contractor as necessary to complete an air 370 distribution system, boiler and unfired pressure vessel systems, 371 and all appurtenances, apparatus, or equipment used in 372 connection therewith, and any duct cleaning and equipment 373 sanitizing that requires at least a partial disassembling of the 374 system; to install, maintain, repair, fabricate, alter, extend, 375 or design, if not prohibited by law, piping, insulation of 376 pipes, vessels and ducts, pressure and process piping, and 377 pneumatic control piping; to replace, disconnect, or reconnect 378 power wiring on the load side of the dedicated existing 379 electrical disconnect switch; to install, disconnect, and 380 reconnect low voltage heating, ventilating, and air-conditioning 381 control wiring; and to install a condensate drain from an air 382 conditioning unit to an existing safe waste or other approved 383 disposal other than a direct connection to a sanitary system. 384 The scope of work for such contractor also includes any 385 excavation work incidental thereto, but does not include any 386 work such as liquefied petroleum or natural gas fuel lines 387 within buildings, except for disconnecting or reconnecting 388 changeouts of liquefied petroleum or natural gas appliances 389 within buildings; potable water lines or connections thereto; 390 sanitary sewer lines; swimming pool piping and filters; or 391 electrical power wiring. 392 (g) “Class B air-conditioning contractor” means a 393 contractor whose services are limited to 25 tons of cooling and 394 500,000 Btu of heating in any one system in the execution of 395 contracts requiring the experience, knowledge, and skill to 396 install, maintain, repair, fabricate, alter, extend, or design,

397 if not prohibited by law, central air-conditioning, 398 refrigeration, heating, and ventilating systems, including duct 399 work in connection with a complete system only to the extent 400 such duct work is performed by the contractor as necessary to 401 complete an air-distribution system being installed under this 402 classification, and any duct cleaning and equipment sanitizing 403 that requires at least a partial disassembling of the system; to 404 install, maintain, repair, fabricate, alter, extend, or design, 405 if not prohibited by law, piping and insulation of pipes, 406 vessels, and ducts; to replace, disconnect, or reconnect power 407 wiring on the load side of the dedicated existing electrical 408 disconnect switch; to install, disconnect, and reconnect low 409 voltage heating, ventilating, and air-conditioning control 410 wiring; and to install a condensate drain from an air 411 conditioning unit to an existing safe waste or other approved 412 disposal other than a direct connection to a sanitary system. 413 The scope of work for such contractor also includes any 414 excavation work incidental thereto, but does not include any 415 work such as liquefied petroleum or natural gas fuel lines 416 within buildings, except for disconnecting or reconnecting 417 changeouts of liquefied petroleum or natural gas appliances 418 within buildings; potable water lines or connections thereto; 419 sanitary sewer lines; swimming pool piping and filters; or 420 electrical power wiring. 421 (h) “Class C air-conditioning contractor” means a 422 contractor whose business is limited to the servicing of air 423 conditioning, heating, or refrigeration systems, including any 424 duct cleaning and equipment sanitizing that requires at least a 425 partial disassembling of the system, and whose certification or 426 registration, issued pursuant to this part, was valid on October 427 1, 1988. Only a person who was registered or certified as a 428 Class C air-conditioning contractor as of October 1, 1988, shall 429 be so registered or certified after October 1, 1988. However, 430 the board shall continue to license and regulate those Class C 431 air-conditioning contractors who held Class C licenses before 432 October 1, 1988. 433 (i) “Mechanical contractor” means a contractor whose 434 services are unlimited in the execution of contracts requiring 435 the experience, knowledge, and skill to install, maintain, 436 repair, fabricate, alter, extend, or design, if not prohibited 437 by law, central air-conditioning, refrigeration, heating, and 438 ventilating systems, including duct work in connection with a 439 complete system if such duct work is performed by the contractor 440 as necessary to complete an air-distribution system, boiler and 441 unfired pressure vessel systems, lift station equipment and 442 piping, and all appurtenances, apparatus, or equipment used in 443 connection therewith, and any duct cleaning and equipment 444 sanitizing that requires at least a partial disassembling of the 445 system; to install, maintain, repair, fabricate, alter, extend, 446 or design, if not prohibited by law, piping, insulation of 447 pipes, vessels and ducts, pressure and process piping, pneumatic 448 control piping, gasoline tanks and pump installations and piping 449 for same, standpipes, air piping, vacuum line piping, oxygen 450 lines, nitrous oxide piping, ink and chemical lines, fuel 451 transmission lines, liquefied petroleum gas lines within 452 buildings, and natural gas fuel lines within buildings; to 453 replace, disconnect, or reconnect power wiring on the load side 454 of the dedicated existing electrical disconnect switch; to 455 install, disconnect, and reconnect low voltage heating, 456 ventilating, and air-conditioning control wiring; and to install 457 a condensate drain from an air-conditioning unit to an existing 458 safe waste or other approved disposal other than a direct 459 connection to a sanitary system. The scope of work for such 460 contractor also includes any excavation work incidental thereto, 461 but does not include any work such as potable water lines or 462 connections thereto, sanitary sewer lines, swimming pool piping 463 and filters, or electrical power wiring. 464 (j) “Commercial pool/spa contractor” means a contractor 465 whose scope of work involves, but is not limited to, the 466 construction, repair, and servicing of any swimming pool, or hot 467 tub or spa, whether public, private, or otherwise, regardless of 468 use. The scope of work includes

the installation, repair, or 469 replacement of existing equipment, any cleaning or equipment 470 sanitizing that requires at least a partial disassembling, 471 excluding filter changes, and the installation of new pool/spa 472 equipment, interior finishes, the installation of package pool 473 heaters, the installation of all perimeter piping and filter 474 piping, and the construction of equipment rooms or housing for 475 pool/spa equipment, and also includes the scope of work of a 476 swimming pool/spa servicing contractor. The scope of such work 477 does not include direct connections to a sanitary sewer system 478 or to potable water lines. The installation, construction, 479 modification, or replacement of equipment permanently attached 480 to and associated with the pool or spa for the purpose of water 481 treatment or cleaning of the pool or spa requires licensure; 482 however, the usage of such equipment for the purposes of water 483 treatment or cleaning does not require licensure unless the 484 usage involves construction, modification, or replacement of 485 such equipment. Water treatment that does not require such 486 equipment does not require a license. In addition, a license is 487 not required for the cleaning of the pool or spa in a way that 488 does not affect the structural integrity of the pool or spa or 489 its associated equipment. 490 (k) “Residential pool/spa contractor” means a contractor 491 whose scope of work involves, but is not limited to, the 492 construction, repair, and servicing of a residential swimming 493 pool, or hot tub or spa, regardless of use. The scope of work 494 includes the installation, repair, or replacement of existing 495 equipment, any cleaning or equipment sanitizing that requires at 496 least a partial disassembling, excluding filter changes, and the 497 installation of new pool/spa equipment, interior finishes, the 498 installation of package pool heaters, the installation of all 499 perimeter piping and filter piping, and the construction of 500 equipment rooms or housing for pool/spa equipment, and also 501 includes the scope of work of a swimming pool/spa servicing 502 contractor. The scope of such work does not include direct 503 connections to a sanitary sewer system or to potable water 504 lines. The installation, construction, modification, or 505 replacement of equipment permanently attached to and associated 506 with the pool or spa for the purpose of water treatment or 507 cleaning of the pool or spa requires licensure; however, the 508 usage of such equipment for the purposes of water treatment or 509 cleaning does not require licensure unless the usage involves 510 construction, modification, or replacement of such equipment. 511 Water treatment that does not require such equipment does not 512 require a license. In addition, a license is not required for 513 the cleaning of the pool or spa in a way that does not affect 514 the structural integrity of the pool or spa or its associated 515 equipment. 516 (l) “Swimming pool/spa servicing contractor” means a 517 contractor whose scope of work involves, but is not limited to, 518 the repair and servicing of a swimming pool, or hot tub or spa, 519 whether public or private, or otherwise, regardless of use. The 520 scope of work includes the repair or replacement of existing 521 equipment, any cleaning or equipment sanitizing that requires at 522 least a partial disassembling, excluding filter changes, and the 523 installation of new pool/spa equipment, interior refinishing, 524 the reinstallation or addition of pool heaters, the repair or 525 replacement of all perimeter piping and filter piping, the 526 repair of equipment rooms or housing for pool/spa equipment, and 527 the substantial or complete draining of a swimming pool, or hot 528 tub or spa, for the purpose of repair or renovation. The scope 529 of such work does not include direct connections to a sanitary 530 sewer system or to potable water lines. The installation, 531 construction, modification, substantial or complete disassembly, 532 or replacement of equipment permanently attached to and 533 associated with the pool or spa for the purpose of water 534 treatment or cleaning of the pool or spa requires licensure; 535 however, the usage of such equipment for the purposes of water 536 treatment or cleaning does not require licensure unless the 537 usage involves construction, modification, substantial or 538 complete disassembly, or replacement of such equipment. Water 539 treatment that does not require such equipment does not require 540 a license. In addition, a

license is not required for the 541 cleaning of the pool or spa in a way that does not affect the 542 structural integrity of the pool or spa or its associated 543 equipment. 544 (m) “Plumbing contractor” means a contractor whose 545 contracting business consists of the execution of contracts 546 requiring the experience, financial means, knowledge, and skill 547 to install, maintain, repair, alter, extend, or, if not 548 prohibited by law, design plumbing. A plumbing contractor may 549 install, maintain, repair, alter, extend, or, if not prohibited 550 by law, design the following without obtaining an additional 551 local regulatory license, certificate, or registration: sanitary 552 drainage or storm drainage facilities; venting systems; public 553 or private water supply systems; septic tanks; drainage and 554 supply wells; swimming pool piping; irrigation systems; or solar 555 heating water systems and all appurtenances, apparatus, or 556 equipment used in connection therewith, including boilers and 557 pressure process piping and including the installation of water, 558 natural gas, liquefied petroleum gas and related venting, and 559 storm and sanitary sewer lines; and water and sewer plants and 560 substations. The scope of work of the plumbing contractor also 561 includes the design, if not prohibited by law, and installation, 562 maintenance, repair, alteration, or extension of air-piping, 563 vacuum line piping, oxygen line piping, nitrous oxide piping, 564 and all related medical gas systems; fire line standpipes and 565 fire sprinklers if authorized by law; ink and chemical lines; 566 fuel oil and gasoline piping and tank and pump installation, 567 except bulk storage plants; and pneumatic control piping 568 systems, all in a manner that complies with all plans, 569 specifications, codes, laws, and regulations applicable. The 570 scope of work of the plumbing contractor applies to private 571 property and public property, including any excavation work 572 incidental thereto, and includes the work of the specialty 573 plumbing contractor. Such contractor shall subcontract, with a 574 qualified contractor in the field concerned, all other work 575 incidental to the work but which is specified as being the work 576 of a trade other than that of a plumbing contractor. This 577 definition does not limit the scope of work of any specialty 578 contractor certified pursuant to s. 489.113(6), and does not 579 require certification or registration under this part of any 580 authorized employee of a public natural gas utility or of a 581 private natural gas utility regulated by the Public Service 582 Commission when disconnecting and reconnecting water lines in 583 the servicing or replacement of an existing water heater. 584 (n) “Underground utility and excavation contractor” means a 585 contractor whose services are limited to the construction, 586 installation, and repair, on public or private property, whether 587 accomplished through open excavations or through other means, 588 including, but not limited to, directional drilling, auger 589 boring, jacking and boring, trenchless technologies, wet and dry 590 taps, grouting, and slip lining, of main sanitary sewer 591 collection systems, main water distribution systems, storm sewer 592 collection systems, and the continuation of utility lines from 593 the main systems to a point of termination up to and including 594 the meter location for the individual occupancy, sewer 595 collection systems at property line on residential or single 596 occupancy commercial properties, or on multioccupancy properties 597 at manhole or wye lateral extended to an invert elevation as 598 engineered to accommodate future building sewers, water 599 distribution systems, or storm sewer collection systems at storm 600 sewer structures. However, an underground utility and excavation 601 contractor may install empty underground conduits in rights-of 602 way, easements, platted rights-of-way in new site development, 603 and sleeves for parking lot crossings no smaller than 2 inches 604 in diameter if each conduit system installed is designed by a 605 licensed professional engineer or an authorized employee of a 606 municipality, county, or public utility and the installation of 607 such conduit does not include installation of any conductor 608 wiring or connection to an energized electrical system. An 609 underground utility and excavation contractor may not install 610 piping that is an integral part of a fire protection system as 611 defined in s. 633.021 beginning at the point where the piping is 612 used exclusively for such system.



613 (o) “Solar contractor” means a contractor whose services 614 consist of the installation, alteration, repair, maintenance, 615 relocation, or replacement of solar panels for potable solar 616 water heating systems, swimming pool solar heating systems, and 617 photovoltaic systems and any appurtenances, apparatus, or 618 equipment used in connection therewith, whether public, private, 619 or otherwise, regardless of use. A contractor, certified or 620 registered pursuant to this chapter, is not required to become a 621 certified or registered solar contractor or to contract with a 622 solar contractor in order to provide services enumerated in this 623 paragraph that are within the scope of the services such 624 contractors may render under this part. 625 (p) “Pollutant storage systems contractor” means a 626 contractor whose services are limited to, and who has the 627 experience, knowledge, and skill to install, maintain, repair, 628 alter, extend, or design, if not prohibited by law, and use 629 materials and items used in the installation, maintenance, 630 extension, and alteration of, pollutant storage tanks. Any 631 person installing a pollutant storage tank shall perform such 632 installation in accordance with the standards adopted pursuant 633 to s. 376.303. 634 (q) “Glass and glazing contractor” means a contractor whose 635 services are unlimited in the execution of contracts requiring 636 the experience, knowledge, and skill to install, attach, 637 maintain, repair, fabricate, alter, extend, or design, in 638 residential and commercial applications without any height 639 restrictions, all types of windows, glass, and mirrors, whether 640 fixed or movable; swinging or sliding glass doors attached to 641 existing walls, floors, columns, or other structural members of 642 the building; glass holding or supporting mullions or horizontal 643 bars; structurally anchored impact-resistant opening protection 644 attached to existing building walls, floors, columns, or other 645 structural members of the building; prefabricated glass, metal, 646 or plastic curtain walls; storefront frames or panels; shower 647 and tub enclosures; metal fascias; and caulking incidental to 648 such work and assembly. 649 (r) “Specialty contractor” means a contractor whose scope 650 of work and responsibility is limited to a particular phase of 651 construction established in a category adopted by board rule and 652 whose scope is limited to a subset of the activities described 653 in one of the paragraphs of this subsection. 654 (6) “Contracting” means, except as exempted in this part, 655 engaging in business as a contractor and includes, but is not 656 limited to, performance of any of the acts as set forth in 657 subsection (3) which define types of contractors. The attempted 658 sale of contracting services and the negotiation or bid for a 659 contract on these services also constitutes contracting. If the 660 services offered require licensure or agent qualification, the 661 offering, negotiation for a bid, or attempted sale of these 662 services requires the corresponding licensure. However, the term 663 “contracting” shall not extend to an individual, partnership, 664 corporation, trust, or other legal entity that offers to sell or 665 sells completed residences on property on which the individual 666 or business entity has any legal or equitable interest, or to 667 the individual or business entity that offers to sell or sells 668 manufactured or factory-built buildings that will be completed 669 on site on property on which either party to a contract has any 670 legal or equitable interest, if the services of a qualified 671 contractor certified or registered pursuant to the requirements 672 of this chapter have been or will be retained for the purpose of 673 constructing or completing such residences. 674 Section 6. The amendments to s. 489.105(6), Florida 675 Statutes, as enacted by s. 30 of chapter 2008-240, Laws of 676 Florida, were intended to protect the sanctity of contracts for 677 the sale of manufactured or factory-built buildings that will be 678 completed on site and to ensure that those contracts are legal 679 and enforceable contracts under state law. The amendments were 680 intended to be remedial in nature, clarify existing law, and 681 apply retroactively to any contract for the sale of manufactured 682 or factory-built buildings that will be completed on site and 683 otherwise comply with state law. 684 Section 7. Paragraph (c) of subsection (5) of section 685 489.127, Florida Statutes, is amended to read: 686 489.127 Prohibitions; penalties.— 687 (5) Each

county or municipality may, at its option, 688 designate one or more of its code enforcement officers, as 689 defined in chapter 162, to enforce, as set out in this 690 subsection, the provisions of subsection (1) and s. 489.132(1) 691 against persons who engage in activity for which a county or 692 municipal certificate of competency or license or state 693 certification or registration is required. 694 (c) The local governing body of the county or municipality 695 is authorized to enforce codes and ordinances against unlicensed 696 contractors under the provisions of this subsection and may 697 enact an ordinance establishing procedures for implementing this 698 subsection, including a schedule of penalties to be assessed by 699 the code enforcement officer. The maximum civil penalty which 700 may be levied shall not exceed ~~\$2,000~~ \$500. Moneys collected 701 pursuant to this subsection shall be retained locally, as 702 provided for by local ordinance, and may be set aside in a 703 specific fund to support future enforcement activities against 704 unlicensed contractors. 705 Section 8. Paragraph (c) of subsection (4) of section 706 489.531, Florida Statutes, is amended to read: 707 489.531 Prohibitions; penalties.— 708 (4) Each county or municipality may, at its option, 709 designate one or more of its code enforcement officers, as 710 defined in chapter 162, to enforce, as set out in this 711 subsection, the provisions of subsection (1) against persons who 712 engage in activity for which county or municipal certification 713 is required. 714 (c) The local governing body of the county or municipality 715 is authorized to enforce codes and ordinances against unlicensed 716 contractors under the provisions of this section and may enact 717 an ordinance establishing procedures for implementing this 718 section, including a schedule of penalties to be assessed by the 719 code enforcement officers. The maximum civil penalty which may 720 be levied shall not exceed ~~\$2,000~~ \$500. Moneys collected 721 pursuant to this section shall be retained locally as provided 722 for by local ordinance and may be set aside in a specific fund 723 to support future enforcement activities against unlicensed 724 contractors. 725 Section 9. Section 553.721, Florida Statutes, is amended to 726 read: 727 553.721 Surcharge.—In order for the Department of Business 728 and Professional Regulation to administer and carry out the 729 purposes of this part and related activities, there is ~~hereby~~ 730 created a surcharge, to be assessed at the rate of 1.5 percent 731 of the permit fees associated with enforcement of the Florida 732 Building Code as defined by the uniform account criteria and 733 specifically the uniform account code for building permits 734 adopted for local government financial reporting pursuant to s. 735 218.32. The minimum amount collected on any permit issued shall 736 be \$2. The unit of government responsible for collecting a 737 permit fee pursuant to s. 125.56(4) or s. 166.201 shall collect 738 ~~the such~~ surcharge and electronically remit the funds collected 739 to the department on a quarterly calendar basis ~~beginning not~~ 740 ~~later than December 31, 2010~~; for the preceding quarter; and 741 continuing each third month thereafter. ~~The, and such~~ unit of 742 government shall retain 10 percent of the surcharge collected to 743 fund the participation of building departments in the national 744 and state building code adoption processes and to provide 745 education related to enforcement of the Florida Building Code. 746 All funds remitted to the department pursuant to this section 747 shall be deposited in the Professional Regulation Trust Fund. 748 Funds collected from ~~the such~~ surcharge shall be allocated to 749 fund used exclusively for the duties of the Florida Building 750 Commission and the Florida Building Code Compliance and 751 Mitigation Program under s. 553.841. Funds allocated to the 752 Florida Building Code Compliance and Mitigation Program shall be 753 \$925,000 each fiscal year. The funds collected from the 754 surcharge may and the Department of Business and Professional 755 Regulation under this chapter and shall not be used to fund 756 research on techniques for mitigation of radon in existing 757 buildings. Funds used by the department as well as funds to be 758 transferred to the Department of Health shall be as prescribed 759 in the annual General Appropriations Act. The department shall 760 adopt rules governing the collection and remittance



of 761 surcharges pursuant to ~~in accordance with~~ chapter 120. 762 Section 10. Subsection (10) of section 553.73, Florida 763 Statutes, is amended, and subsection (18) is added to that 764 section, to read: 765 553.73 Florida Building Code.— 766 (10) The following buildings, structures, and facilities 767 are exempt from the Florida Building Code as provided by law, 768 and any further exemptions shall be as determined by the 769 Legislature and provided by law: 770 (a) Buildings and structures specifically regulated and 771 preempted by the Federal Government. 772 (b) Railroads and ancillary facilities associated with the 773 railroad. 774 (c) Nonresidential farm buildings on farms. 775 (d) Temporary buildings or sheds used exclusively for 776 construction purposes. 777 (e) Mobile or modular structures used as temporary offices, 778 except that the provisions of part II relating to accessibility 779 by persons with disabilities ~~shall~~ apply to such mobile or 780 modular structures. 781 (f) Those structures or facilities of electric utilities, 782 as defined in s. 366.02, which are directly involved in the 783 generation, transmission, or distribution of electricity. 784 (g) Temporary sets, assemblies, or structures used in 785 commercial motion picture or television production, or any 786 sound-recording equipment used in such production, on or off the 787 premises. 788 (h) Storage sheds that are not designed for human 789 habitation and that have a floor area of 720 square feet or less 790 are not required to comply with the mandatory wind-borne-debris 791 impact standards of the Florida Building Code. In addition, such 792 buildings that are 400 square feet or less and that are intended 793 for use in conjunction with one- and two-family residences are 794 not subject to the door height and width requirements of the 795 Florida Building Code. 796 (i) Chickees constructed by the Miccosukee Tribe of Indians 797 of Florida or the Seminole Tribe of Florida. As used in this 798 paragraph, the term “chickee” means an open-sided wooden hut 799 that has a thatched roof of palm or palmetto or other 800 traditional materials, and that does not incorporate any 801 electrical, plumbing, or other nonwood features. 802 (j) Family mausoleums not exceeding 250 square feet in area 803 which are prefabricated and assembled on site or preassembled 804 and delivered on site and have walls, roofs, and a floor 805 constructed of granite, marble, or reinforced concrete. 806 (k) A building or structure having less than 1,000 square 807 feet which is constructed and owned by a natural person for 808 hunting and which is repaired or reconstructed to the same 809 dimension and condition as existed on January 1, 2011, if the 810 building or structure: 811 1. Is not rented or leased or used as a principal 812 residence; 813 2. Is not located within the 100-year floodplain according 814 to the Federal Emergency Management Agency’s current Flood 815 Insurance Rate Map; and 816 3. Is not connected to an off-site electric power or water 817 supply. 818 819 With the exception of paragraphs (a), (b), (c), and (f), in 820 order to preserve the health, safety, and welfare of the public, 821 the Florida Building Commission may, by rule adopted pursuant to 822 chapter 120, provide for exceptions to the broad categories of 823 buildings exempted in this section, including exceptions for 824 application of specific sections of the code or standards 825 adopted therein. The Department of Agriculture and Consumer 826 Services shall have exclusive authority to adopt by rule, 827 pursuant to chapter 120, exceptions to nonresidential farm 828 buildings exempted in paragraph (c) when reasonably necessary to 829 preserve public health, safety, and welfare. The exceptions must 830 be based upon specific criteria, such as under-roof floor area, 831 aggregate electrical service capacity, HVAC system capacity, or 832 other building requirements. Further, the commission may 833 recommend to the Legislature additional categories of buildings, 834 structures, or facilities which should be exempted from the 835 Florida Building Code, to be provided by law. The Florida 836 Building Code does not apply to temporary housing provided by 837 the Department of Corrections to any prisoner in the state 838 correctional system. 839 (18) The Florida Building Commission shall adopt by rule a 840 method of alternative screen enclosure design that requires the 841 removal of a section of the screen in order to accommodate wind 842 resistance and keep the screen enclosure intact. The rules for 843 an

alternative screen enclosure design must require that the 844 contractor provide notice to the homeowner and local building 845 department that the homeowner must cut, retract, or remove a 846 panel of the screen from the enclosure in accordance with 847 engineering instructions when wind speeds are expected to exceed 848 75 miles per hour and that the contractor will provide a 849 replacement screen at the initial point of sale to repair the 850 screen enclosure for designs that require cutting. The Florida 851 Building Commission shall adopt the method before October 1, 852 2012, and incorporate the requirements into the next version of 853 the Florida Building Code. This subsection expires upon adoption 854 and implementation of the requirements of this subsection into 855 the Florida Building Code.

Section 11. This act shall take effect July 1, 2012.

And the title is amended as follows: 860 Delete everything before the enacting clause 861 and insert: 862 A bill to be entitled 863 An act relating to building construction and 864 inspection; amending s. 162.12, F.S.; revising the 865 authorized methods of sending notices to violators of 866 local codes; amending s. 381.0065, F.S.; revising the 867 definition of the term “bedroom” for purposes of 868 requirements governing onsite sewage treatment and 869 disposal systems; conforming cross-references; 870 providing that a permit for the installation, 871 modification, or repair of an onsite sewage treatment 872 and disposal system approved by the Department of 873 Health transfers along with the title to the property 874 in a real estate transaction; prohibiting the 875 transferred title from being encumbered by new permit 876 requirements; providing criteria for an abandoned 877 onsite sewage treatment and disposal system; providing 878 guidelines for the reconnection of an abandoned 879 system; providing for the applicability of rules to 880 the construction of an onsite sewage treatment and 881 disposal system; providing certain exemptions for a 882 remodeled single-family home; amending s. 468.604, 883 F.S.; authorizing a building code administrator or 884 building official to approve the electronic filing of 885 building plans and related documents; amending s. 886 468.609, F.S.; revising the criteria for eligibility 887 requirements of a building code inspector or plans 888 examiner; revising criteria for the issuance of 889 provisional certificates; amending s. 489.105, F.S.; 890 revising the definition of the term “demolish” for 891 purposes of describing the scope of work of a 892 contractor to include all buildings or residences, 893 rather than buildings or residences of certain 894 heights; reenacting s. 489.105(6), F.S., relating to 895 the definition of the term “contracting”; clarifying 896 the intent of the Legislature in the adoption of 897 certain amendments to s. 489.105(6), F.S., and 898 specifying that the amendments were intended to be 899 remedial in nature, clarify existing law, and apply 900 retroactively to any contract for the sale of 901 manufactured or factory-built buildings that will be 902 completed on site and otherwise comply with the 903 requirements under state law; amending ss. 489.127 and 904 489.531, F.S.; increasing the maximum civil penalties 905 that may be assessed against unlicensed contractors; 906 amending s. 553.721, F.S.; allocating a portion of the 907 funds derived from a surcharge on permit fees to the 908 Florida Building Code Compliance and Mitigation 909 Program; making technical and grammatical changes; 910 amending s. 553.73, F.S.; exempting certain buildings 911 or structures used for hunting from the Florida 912 Building Code; requiring the Florida Building 913 Commission to adopt by rule a method of alternative 914 screen enclosure design to accommodate wind resistance 915 and to keep the screen enclosure intact; requiring the 916 contractor to provide certain notice to the homeowner 917 and the local building department; requiring the rules 918 to be incorporated into the Florida Building Code; 919 providing for expiration of the requirement upon 920 incorporation into the Florida Building Code; 921 providing an effective date.

ATTACHMENT III

SENATE BILL 1032 (1/17/2012 VERSION)

Florida Senate - 2012 SB 1032

By Senator Benacquisto

27-00589A-12

20121032\_\_ 1

A bill to be entitled

2 An act relating to thermal efficiency standards;  
3 amending s. 403.814, F.S.; requiring that the  
4 Department of Environmental Protection and the  
5 applicable water management district grant a general  
6 permit for the construction, alteration, and  
7 maintenance of certain surface water management  
8 systems; authorizing the construction of certain  
9 surface water management systems to proceed without  
10 further action by the department or the water  
11 management district; reordering and amending s.  
12 553.902, F.S.; providing definitions for the terms  
13 “ballasted roof,” “hardscape,” “heat island effect,”  
14 “low-sloped roof,” “solar reflectance” or  
15 “reflectance,” and “steeped-sloped roof”; creating s.  
16 553.9045, F.S.; providing standards for a thermal  
17 efficient roof; requiring that roof exterior surfaces  
18 and roofing material of a thermal-efficient roof have  
19 a minimum solar reflectance; providing testing  
20 standards; providing exceptions; creating s. 553.9046,  
21 F.S.; defining thermal-efficient hardscapes; providing  
22 default reflectance values for certain paving  
23 materials; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26

27 Subsection (12) is added to section 403.814, Section 1.

28 Florida Statutes, to read:

29 General permits; delegation.— 403.814

30 (12)The department and the applicable water management  
31 district shall grant a general permit for the construction,  
32 alteration, and maintenance of a surface water management system  
33 serving a total project area of up to 10 acres. The  
34 construction, alteration, and maintenance of such a system may  
35 proceed without any further agency action by the department or

36 water management district if:  
37 The total project area is less than 15 acres; (a)  
38 The total project area involves less than 2 acres of (b)  
39 impervious surface or no more than 5 acres of impervious surface  
40 if that surface is a thermal-efficient hardscape as provided in  
41 s. 553.9046;  
42 The activities do not impact wetlands or other surface (c)  
43 waters;  
44 The activities are not conducted in, on, or over (d)  
45 wetlands or other surface waters;  
46 The drainage facilities do not include pipes having (e)  
47 diameters greater than 24 inches, or the hydraulic equivalent,  
48 and do not use a pump in any manner;  
49 The project is not part of a larger common plan, (f)  
50 development, or sale;  
51 The project does not cause: (g)  
52 Adverse water quantity impacts or flooding to receiving 1.  
53 water and adjacent lands;  
54 Adverse impacts to existing surface water storage and 2.  
55 conveyance capabilities;  
56 A violation of state water quality standards; or 3.  
57 Adverse impacts to the maintenance of surface or ground 4.  
58 water levels or surface water flows established pursuant to s.  
59 373.042 or to a work of the district conducted pursuant to s.  
60 373.086; and  
61 The design plans for the surface water management (h)  
62 system are signed and sealed by a Florida-registered  
63 professional who attests that the system will perform and  
64 function as proposed and that it has been designed in accordance  
65 with appropriate, generally accepted performance standards and  
66 scientific principles.

67 Section 553.902, Florida Statutes, is reordered Section 2.  
68 and amended to read:

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

71 (3)(4)“Exempted building” means:

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

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

78 (c) ~~Any~~ building for which federal mandatory standards  
79 preempt state energy codes.

80 (d) ~~An Any~~ historical building as described in s.  
81 267.021(3).

82

83 The Florida Building Commission may recommend to the Legislature  
84 additional types of buildings which should be exempted from  
85 compliance with the Florida Energy Efficiency Code for Building  
86 Construction.

87 ~~(7)(2)~~“HVAC” means a system of heating, ventilating, and  
88 air-conditioning.

89 ~~(10)(3)~~“Renovated building” means a residential or  
90 nonresidential building undergoing alteration that varies or  
91 changes insulation, HVAC systems, water heating systems, or  
92 exterior envelope conditions, ~~if provided~~ the estimated cost of  
93 renovation exceeds 30 percent of the assessed value of the  
94 structure.

95 ~~(8)(4)~~“Local enforcement agency” means the agency of local  
96 government which has the authority to make inspections of  
97 buildings and to enforce the Florida Building Code. It includes  
98 any agency within the definition of s. 553.71(5).

99 ~~(4)(5)~~“Exterior envelope physical characteristics” means  
100 the physical nature of those elements of a building which  
101 enclose conditioned spaces through which energy may be  
102 transferred to or from the exterior.

103 ~~(2)(6)~~“Energy performance level” means the indicator of  
104 the energy-related performance of a building, including, but not  
105 limited to, the levels of insulation, the amount and type of  
106 glass, and the HVAC and water heating system efficiencies.

107 “Ballasted roof” means a roof having a minimum of 15 (1)  
108 pounds per square foot of ballast for the purpose of weighing  
109 down a roofing membrane over a substrate to resist wind uplift.  
110 For purposes of this subsection, ballast includes, but is not  
111 limited to, river rock aggregate and pavers.

112 “Hardscape” means the impervious, nonliving portions of (5)  
113 a property’s landscaping, including, but not limited to, roads,

114 sidewalks, courtyards, and parking lots.

115 “Heat island effect” means an elevated temperature over (6)  
116 an urban area compared to rural areas, typically caused by the  
117 increased presence of dark, heat-absorbing materials.

118 “Low-sloped roof” means a roof having a slope of rise (9)  
119 of 0 units in a horizontal length, up to and including, a roof  
120 having a slope of rise of 2 units in a horizontal length of 12  
121 units.

122 “Solar reflectance” or “reflectance” means the amount (11)  
123 of solar energy reflected by a material.

124 “Steep-sloped roof” means a roof having a slope of (12)  
125 rise greater than 2 units in a horizontal length of 12 units.

126 Section 553.9045, Florida Statutes, is created Section 3.  
127 to read:

128 553.9045 Thermal-efficient roofs.—

129 Standards for a thermal-efficient roof: (1)

130 A low-sloped roof must have a minimum initial (a)  
131 reflectance of 0.72 or a 3-year installed reflectance of 0.5 as  
132 determined by the Cool Roof Rating Council or the Energy Star  
133 program of the United States Environmental Protection Agency and  
134 the United States Department of Energy. If more than 50 percent  
135 of the total gross area of the roof is covered with vegetation  
136 associated with an extensive or intensive green roof as defined  
137 by the United States Environmental Protection Agency for the  
138 purpose of reducing the heat island effect, the remainder of the  
139 roof must have a minimum reflectance of 0.30.

140 A ballasted roof must have a minimum initial (b)  
141 reflectance of 0.30.

142 A steep-sloped roof must have a minimum initial (c)  
143 reflectance of 0.15.

144 A roof that has multiple slopes is subject to the (d)  
145 standards applicable to the slope that covers the largest area  
146 of the building’s footprint.

147 All roof exterior surfaces and roofing materials of a (2)  
148 thermal-efficient roof must have a minimum reflectance as  
149 certified by one of the following:

150 The American Society for  
Testing and Materials ASTM (a)

151 E903 or ASTM E1918 standard.

152 A test using a portable reflectometer at near-ambient (b)  
153 conditions.

154 The Cool Roof Rating Council. (c)  
155 The Energy Star program of the United States (d)  
156 Environmental Protection Agency and the United States Department  
157 of Energy.

158 This section does not apply to: (3)

159 The portion of a roof acting as a substructure for and (a)  
160 covered by a rooftop deck.

161 The portion of a roof covered with vegetation (b)  
162 associated with an extensive or intensive green roof as defined  
163 by the United States Environmental Protection Agency for the  
164 purpose of reducing the heat island effect.

165 A rooftop deck covering a maximum of one-third of the (c)  
166 rooftop total gross area.

167 An area of the roof covered by photovoltaic and solar (d)  
168 equipment.

169 Section 553.9046, Florida Statutes, is created Section 4.  
170 to read:

171 553.9046 Thermal-efficient hardscapes.—A thermal-efficient  
172 hardscape is the portion of impervious, nonliving improvements  
173 of a property’s landscaping, including, but not limited to,  
174 roads, sidewalks, courtyards, and parking lots which has a  
175 minimum initial reflectance of 0.30 as certified by the American  
176 Society for Testing and Materials ASTM E903 or ASTM E1918  
177 standard or a test using a portable reflectometer at near  
178 ambient conditions. When measuring the minimum initial  
179 reflectance, one of the following reflectance values for paving  
180 materials may be used:

181 Typical new gray concrete, (1) 0.35.  
182 Typical weathered concrete, (2) 0.20.  
183 Typical new white concrete, (3) 0.70.  
184 Typical weathered white concrete, (4) 0.40.  
185 New asphalt, (5) 0.05.  
186 Weathered asphalt, (6) 0.10.

187 This act shall take effect July 1, 2012. Section 5.