Florida Building Commission

Facilitator’s Summary Report of the
March 28, 2011
Teleconference Meeting
Tallahassee, Florida

Facilitation, Meeting and Process Design By

Consensus Center

Report By Jeff A. Blair
FCRC Consensus Center
Florida State University

jblair@fsu.edu
http://consensus.fsu.edu

This document is available in alternate formats upon request to Dept. of Community Affairs, Codes & Standards, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850) 487-1824
MONDAY, MARCH 28, 2011

OPENING AND MEETING ATTENDANCE
The meeting was opened at 10:00 AM, and the following Commissioners participated:


DCA Staff Present
Joe Bigelow, Jon Caudill, Suzanne Davis, Ila Jones, Mo Madani, Jim Richmond, and Ann Stanton.

Meeting Facilitation
The meeting was 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, 18 – 0 in favor, to approve the agenda including the following objectives during the March 28, 2011 meeting:

➢ To Hear a Legislative Update
➢ To Discuss and Decide on Relevant Legislative Issues
➢ To Discuss Next Meeting Date (April 11, 2011)
LEGISLATIVE ISSUES UPDATE
Jim Richmond, Commission Attorney, provided an update on legislative issues of interest to the Commission relative to the upcoming 2011 Florida Legislative Session, and answered member’s questions. Jim provided the Commission with a status update on SB 396 (Senator Bennett: Commission’s recommendations and Building Code related legislation). Jim reported that there were no major changes from the last legislative update provided to the Commission on March 21, 2011. (See Attachment 1—Senate Bill 396)

Jim noted that HB 849 (Representative Davis: House companion bill to SB 396) was heard by the Business and Consumer Affairs Subcommittee last week, and currently only contains language regarding qualifications for the green building industry representative Commission member that directly impacts the Commission.

The House was considering a stand-alone bill to provide an exemption from the requirements for Legislative ratification of the Florida Building Code Rule (PCB RRS 11-01), but has now included this provision in a larger rules related bill. (See Attachment 2 (page 35)—Bill Matrix 2011 Legislative Session)

NEXT STEPS
Unless cancelled, the Commission will conduct teleconference meetings each Monday during the 2011 Florida Legislative Session as follows: March 7, 14, 21, 28, April 11, 18, 25 and May 2, 2011. The calls will start at 10:00 AM and Commissioners will be notified prior to each teleconference meeting.

The next teleconference meeting is scheduled for 10:00 AM, Monday, April 11, 2011*. *The Commission is meeting April 5, 2011 so there will not be a teleconference meeting April 4, 2011.

ADJOURN
The Chair adjourned the meeting at 10:20 AM.
Florida Senate - 2011  SB 396

A bill to be entitled:

Florida Senate - 2011  CS for CS for SB 396

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

A bill to be entitled:

An act relating to building construction and inspection; amending s. 120.80, F.S.; exempting certain rule proceedings relating to the Florida Building Code; amending s. 161.053, F.S.; prohibiting the Florida Building Commission from adopting rules that limit any exceptions or exemptions provided for modifications or repairs of existing structures within the limits of an existing foundation under certain circumstances; amending s. 255.252, F.S.; conforming provisions to changes made by the act; amending s. 255.253, F.S.; redefining the term “sustainable building rating” to include the International Green Construction Code; amending ss. 255.257 and 255.2575, F.S.; requiring that state agencies, local governments, and the court system adopt a sustainable building rating system for new and renovated buildings; amending s. 468.8316, F.S.; revising the continuing education requirements for licensed home inspectors; amending s. 468.8319, F.S.; deleting an exemption for certain contractors from the prohibition against performing repairs on a home that has a home inspection report; deleting an obsolete provision; amending s. 468.8323, F.S.; clarifying a provision relating to the contents of a home inspection report; amending s. 468.8324, F.S.; providing alternative criteria for obtaining a home inspector’s license; removing certain application requirements for a person who performs home inspection services and who qualifies for licensure on or before a specified date; amending s. 468.841, F.S.; adding licensed home inspectors to those who are exempt from complying with provisions related to mold assessment; amending s. 481.329, F.S.; providing that part II of ch. 481, F.S., does not preclude any person who engages in the business of landscape design from submitting such plans to governmental agencies for approval; amending s. 489.103, F.S.; clarifying an exemption from construction contracting regulation relating to Habitat for Humanity; amending s. 489.105, F.S.; adding the term “glass and glazing contractors” to the definition of the term “contractor”; amending ss. 489.107 and 489.141, F.S.; conforming cross-references; amending s. 514.028, F.S.; revising the composition of the advisory review board relating to public swimming pools and bathing facilities; amending s. 527.06, F.S.; prohibiting the Department of Agriculture and Consumer Services and other state agencies from requiring compliance with certain national standards for liquefied petroleum gas tanks unless the department or agencies require compliance with a specified edition of the national standards; providing for repeal under certain circumstances; amending s. 527.21, F.S.; revising the term “propane” for purposes of the Florida Propane Gas Education, Safety, and Research Act, to incorporate changes to certain national standards in a reference thereto; amending s. 553.502, F.S.; revising intent with respect to the Florida Americans with Disabilities Act; amending s. 553.503, F.S.; incorporating the Americans with Disabilities Act Standards for Accessible Design into state law by reference and directing that they be adopted by rule into the Florida Accessibility Code for Building Construction; amending s. 553.504, F.S.; revising exceptions to incorporate the standards; amending s. 553.5041,
F.S.; revising provisions relating to parking spaces for persons who have disabilities to incorporate the standards; amending ss. 553.505 and 553.506, F.S.; conforming provisions to changes made by the act; amending s. 553.507, F.S.; providing for the applicability of the act; amending s. 553.509, F.S.; revising provisions relating to vertical accessibility to incorporate the standards; providing that buildings and facilities in this state do not have to comply with the changes provided by this act until the Florida Accessibility Code for Building Construction is updated; amending s. 553.73, F.S.; revising requirements relating to the Florida Building Code; providing for a supplement to the code; specifying national codes to form the foundation for state building standards and codes; revising how often the Florida Building Commission may approve technical amendments to the code; requiring proposed amendments to base codes to provide justifications; revising requirements relating to the installation of mechanical equipment on a roof; amending s. 553.74, F.S.; revising requirements for selecting a member of the Florida Building Commission; amending s. 553.842, F.S.; providing for the approval of certain windstorm products; providing a cause of action against any person who advertises, sells, offers, provides, distributes, or markets certain products without approval; amending s. 553.909, F.S.; revising the requirements for certain pool-related equipment; amending s. 627.711, F.S.; revising requirements relating to home inspectors conducting hurricane mitigation inspections; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (16) of section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—
(16) FLORIDA BUILDING COMMISSION.— (d) Rule proceedings relating to updates and modifications of the Florida Building Code pursuant to s. 553.73 are exempt from ss. 120.541(3)(b) and 120.541(3).

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

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

255.252 Findings and intent.—
(3) In order for that such energy-efficiency and sustainable materials considerations to become a function of building design and a model for future application in the private sector, it shall be the policy of the state that buildings constructed and financed by the state be designed and constructed to comply with a sustainable building rating the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative’s Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department. It is further the policy of the state, if when economically feasible, to retrofit existing state-owned buildings in a manner that minimizes which will minimize the consumption of energy used in the operation and maintenance of such buildings.
(4) In addition to designing and constructing new buildings to be energy-efficient, it is shall be the policy of the state to operate and maintain state facilities in a manner that minimizes which will minimize energy consumption and maximizes maximize building sustainability, and to operate as well as ensure that facilities leased by the state are operated so as to minimize energy use. It is further the policy of the state that the renovation of existing state facilities be in accordance with a sustainable building rating the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative’s Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department. State agencies are encouraged to consider shared savings financing of such energy-efficiency and conservation projects, using contracts that which split the resulting savings for a specified period of time between the state agency and the private firm or cogeneration contracts and that which otherwise permit the state to lower its net energy costs. Such energy contracts may be funded from the operating budget.

Section 4. Subsection (7) of section 255.253, Florida Statutes, is amended to read:
255.253 Definitions; ss. 255.251-255.258.—
(7) “Sustainable building rating” means a rating established by the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the International Green Construction Code (IGCC), the Green Building Initiative’s Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high performance green building rating system as approved by the department.

Section 5. Subsection (4) of section 255.257, Florida Statutes, is amended to read:
255.257 Energy management; buildings occupied by state agencies.—
(4) ADOPTION OF STANDARDS.— (a) All state agencies shall adopt a sustainable building rating system the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative’s Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the department for all new buildings and renovations to existing buildings.
(b) No state agency shall enter into new leasing agreements for office space that does not meet Energy Star building standards, except when determined by the appropriate state agency head determines that no other viable or cost-effective alternative exists. (c) All state agencies shall develop energy conservation measures and guidelines for new and existing office space where state agencies occupy more than 5,000 square feet. These conservation measures shall focus on programs that may reduce energy consumption and, when established, provide a net reduction in occupancy costs.

Section 6. Subsection (2) of section 255.2575, Florida Statutes, is amended to read:
255.2575 Energy-efficient and sustainable buildings.—
(2) All county, municipal, school district, water management district, state university, community college, and Florida state court buildings shall be constructed to comply with a sustainable building rating system meet the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative’s Green Globes rating system, the Florida Green Building Coalition standards, or a nationally recognized, high-performance green building rating system as approved by the Department of Management Services. This section applies shall apply to all county, municipal, school district, water management district, state university, community college, and Florida state court buildings the architectural plans of which are commenced after July 1, 2008.
Section 7. Subsection (1) of section 468.8316, Florida Statutes, is amended to read:
468.8316 Continuing education.—
(1) The department may not renew a license until the licensee submits proof satisfactory to the department that during the 2 years before prior to his or her application for renewal the licensee has completed at least 14 hours of continuing education. Of the 14 hours, at least 2 hours must be in hurricane mitigation training that includes hurricane mitigation techniques and compliance with the uniform mitigation verification inspection form developed under s. 627.711.
(2) The department shall adopt rules establishing criteria for approving continuing education providers and courses course content shall be approved by the department by rule.

Section 8. Paragraph (f) of subsection (1) and subsection (3) of section 468.8319, Florida Statutes, are amended to read 234 468.8319 Prohibitions; penalties.—
(1) A person may not:
(f) Perform or offer to perform any repairs to a home on which the inspector or the inspector’s company has prepared a home inspection report. This paragraph does not apply: retains a home inspector to perform repairs pursuant to a claim made under a home warranty contract.
2. A certified contractor who is classified in s. 489.105(3) as a Division I contractor. However, the department may adopt rules requiring that, if such contractor performs the home inspection and offers to perform the repairs, the contract for repairs provided to the homeowner discloses that he or she has the right to request competitive bids.
(3) This section does not apply to unlicensed activity as described in paragraph (1)(a), paragraph (1)(b), or s. 455.228 that occurs before July 1, 2011.

Section 9. Paragraph (b) of subsection (1) of section 468.8323, Florida Statutes, is amended to read:
468.8323 Home inspection report.—
Upon completion of each home inspection for compensation, the home inspector shall provide a written report prepared for the client.
(1) The home inspector shall report:
(b) If not self-evident, a reason why the system or component reported under paragraph (a) is significantly deficient or near the end of its service life.

Section 10. Section 468.8324, Florida Statutes, is amended to read:
1. a home warranty company that is affiliated with or
468.8324 Grandfather clause.— (1) A person who performs home inspection services may qualify for licensure as a home inspector under this part if the person submits an application to the department postmarked on or before July 1, 2012, which shows that the applicant:
(a) Possesses certification as a one- and two-family dwelling inspector issued by the International Code Council or the Southern Building Code Congress International;
(b) Has been certified as a one- and two-family dwelling 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, a Division II certified air-conditioning contractor license under part I of chapter 489, and an electrical contractor license under part II 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).
(2)(3) An applicant may not qualify for licensure under this section if he or she has had a home inspector license or a license in any related field revoked at any time or suspended within the previous 5 years or has been assessed a fine that exceeds $500 within the previous 5 years. For purposes of this subsection, a license in a related field includes, but is not limited to, licensure in real estate, construction, mold-related services, or building code administration or inspection.
(3)(4) An applicant for licensure under this section must comply with the criminal history, good moral character, and insurance requirements of this part.

Section 11. Paragraph (d) of subsection (1) of section 468.841, Florida Statutes, is amended to read:
468.841 Exemptions.—
(1) The following persons are not required to comply with any provisions of this part relating to mold assessment:
(d) Persons or business organizations acting within the scope of the respective licenses required under part XV of chapter 468, chapter 471, part I of chapter 481, chapter 482, chapter 489, or part XV of this chapter, are acting on behalf of an insurer under part VI of chapter 626, or are persons in the manufactured housing industry who are licensed under chapter 320, except when any such persons or business organizations hold themselves out for hire to the public as a “certified mold
(a) Obtain all necessary building permits. (b) Obtain all required building code inspections. (c) Provide for supervision of all work by an individual construction experience.

Section 14. Subsection (3) of section 489.105, Florida assessor,” “registered mold assessor,”
“licensed mold assessor,” 321 “mold assessor,” “professional mold assessor,” or any 322
combination thereof stating or implying licensure under this 323 part. 324 Section 12.
Subsection (5) of section 481.329, Florida Statutes, is amended to read: 326 481.329
Exceptions; exemptions from licensure.— 327 (5) Nothing in this part prohibits any person from engaging 328 in the practice of landscape design, as defined in s. 329 481.303(7), nor submitting such plans to governmental agencies
330 for approval. Persons providing landscape design services shall
331 not use the title, term, or designation “landscape architect,” 332 “landscape architectural,” “landscape architecture,” “L.A.,” 333 “landscape engineering,” or any description tending to convey 334 the impression that she or he is a landscape architect unless 335 she or he is registered as provided in this part.

Section 13. Subsection (18) of section 489.103, Florida Statutes, is amended to read: 338 489.103 Exemptions.—This part does not apply to: 339 (18) Any one-family, two-family, or three-family residence 340 constructed or rehabilitated by Habitat for Humanity
341 International, Inc., or its local affiliates. Habitat for 342 Humanity International, Inc., or its local affiliates, must:
348 Statutes, is amended to read
Page 12 of 59 CODING: Words stricken are deletions; words underlined are additions.
Florida Senate - 2011  CS for CS for SB 396
580-02578-11  349489.105 Definitions.—As used in this part: 350  (3) “Contractor” means the person who is qualified for, and 351 is shall only be responsible for, the project contracted for and 352 means, except as exempted in this part, the person who, for 353 compensation, undertakes to, submits a bid to, or does himself 354 or herself or by others construct, repair, alter, remodel, add 355 to, demolish, subtract from, or improve any building or 356 structure, including related improvements to real estate, for 357 others or for resale to others; and whose job scope is 358 substantially similar to the job scope described in one of the 359 subsequent paragraphs of this subsection. For the purposes of 360 regulation under this part, “demolish” applies only to 361 demolition of steel tanks over 50 feet in height; towers over 50 362 feet in height; other structures over 50 feet in height, other 363 buildings or residences over three stories tall; and 364 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, 367 consisting of those contractors defined in paragraphs (d)-(r) 368 (d)-(q): 369 (a) “General contractor” means a contractor whose services 370 are unlimited as to the type of work which he or she may do, who 371 may contract for any activity requiring licensure under this part, and who may perform any work requiring licensure 372 in this part, except as otherwise expressly provided in s. 373 489.113. 374 (b) “Building contractor” means a contractor whose services are limited to construction of commercial buildings and single- 376 dwelling or multiple-dwelling residential buildings, which 377 commercial or residential buildings do not exceed three stories.

Florida Senate - 2011  CS for CS for SB 396
580-02578-11  2011396c2 378 in height, and accessory use structures in connection therewith 379 or a contractor whose services are limited to remodeling, repair, or improvement of any size building if the services do 381 not affect the structural members of the building. 382 (c) “Residential contractor” means a contractor whose services are limited to construction, remodeling, repair, or improvement of one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith. 388 (d) “Sheet metal contractor” means a contractor whose services are unlimited in the sheet metal trade and who has the 390 experience, knowledge, and skill necessary for the manufacture, fabrication, assembling, handling, erection, installation, dismantling, and installation, alteration, repair, servicing, or design, if when not prohibited by law, of 394 ferrous or nonferrous metal work of U.S. No. 10 gauge or its equivalent or lighter gauge and of other materials, including, but not limited to, fiberglass, used in lieu thereof and of air- handling systems, including the setting of air-handling equipment and reinforcement of same, the balancing of air- handling equipment and equipment sanitizing that which requires at least a partial disassembling of the 397 system. 402 (e) “Roofing contractor” means a contractor whose services are unlimited in the roofing trade and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if when not prohibited by law, and use 406 materials and items used in the installation, maintenance,
Florida Senate - 2011 CS for CS for SB 396
580-02578-11 407extension, and alteration of all kinds of roofing, waterproofing, and coating, except when coating is not represented to protect, repair, waterproof, stop leaks, or extend the life of the roof. The scope of work of a roofing contractor also includes required roof-deck attachments and any repair or replacement of wood roof sheathing or fascia as needed during roof repair or replacement. 414 (f) “Class A air-conditioning contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design if when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that which requires at least a partial disassembly of the system; to install, maintain, repair, fabricate, alter, extend, or design, if when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but does not include any work such as liquefied petroleum gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. 444 (g) “Class B air-conditioning contractor” means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design if when not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as is necessary to make complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that which requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if when not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but does not include any work such as liquefied petroleum gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.
conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring.

(h) “Class C air-conditioning contractor” means a contractor whose business is limited to the servicing of air-conditioning, heating, or refrigeration systems, including any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system, and whose certification or registration, issued pursuant to this part, was valid on October 1, 1988. Only a person who was not previously registered or certified as a Class C air-conditioning contractor as of October 1, 1988, shall be so registered or certified after October 1, 1988. However, the board shall continue to license and regulate those Class C air-conditioning contractors who held Class C licenses before prior to October 1, 1988.

(i) “Mechanical contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if only to the extent such duct work is performed by the contractor as is necessary to make a complete air distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if when not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and piping for gasoline tanks and pump installations and piping; to install, disconnect, and reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor shall also include any excavation work incidental thereto, but does not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping.
and filters, or electrical power wiring. (j) “Commercial pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of any swimming pool, or hot tub or spa, whether public, private, or otherwise, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing which requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa equipment, and also includes the scope of work of a swimming pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment. (k) “Residential pool/spa contractor” means a contractor whose scope of work involves, but is not limited to, the construction, repair, and servicing of a residential swimming pool, or hot tub or spa, regardless of use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior finishes, the installation of package pool heaters, the installation of all perimeter piping and filter piping, and the construction of equipment rooms or housing for pool/spa servicing contractor. The scope of such work does not include direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning of the pool or spa requires licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is...
shall not be required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment. (l) “Swimming pool/spa servicing contractor” means a contractor whose scope of work involves, but is not limited to, the repair and servicing of a swimming pool, or hot tub or spa, whether public or private, or otherwise, regardless of use. The scope of work includes the repair or replacement of existing equipment, any cleaning or equipment sanitizing that requires at least a partial disassembling, excluding filter changes, and the installation of new pool/spa equipment, interior refinishing, the reinstallation or addition of pool heaters, the repair or replacement of all perimeter piping and

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 581 filter piping, the repair of equipment rooms or housing for 582 pool/spa equipment, and the substantial or complete draining of 583 a swimming pool, or hot tub or spa, for the purpose of any 584 repair or renovation. The scope of such work does not include 585 direct connections to a sanitary sewer system or to potable water lines. The installation, construction, modification, substantial or complete disassembly, or replacement of equipment permanently attached to and associated with the pool or spa for the purpose of water treatment or cleaning does not require licensure; however, the usage of such equipment for the purposes of water treatment or cleaning does not require licensure unless the usage involves construction, modification, substantial or complete disassembly, or replacement of such equipment. Water treatment that does not require such equipment does not require a license. In addition, a license is not required for the cleaning of the pool or spa in any way that does not affect the structural integrity of the pool or spa or its associated equipment.

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 irrigation systems; or solar heating water systems and all appurtenances, apparatus, or equipment used in connection therewith, including boilers and pressure process piping and including the installation of water, natural gas, liquefied petroleum gas and related venting, and storm and sanitary sewer lines; and water and sewer plants and substations. The scope of work of the plumbing contractor also includes the design, if when not prohibited by law, and installation, maintenance, repair, alteration, or
extension of air-piping, vacuum line 619 piping, oxygen line piping, nitrous oxide piping, and all related medical gas systems; fire line standpipes and fire 621 sprinklers if to the extent authorized by law; ink and chemical lines; fuel oil and gasoline piping and tank and pump 623 installation, except bulk storage plants; and pneumatic control 624 piping systems, all in such a manner that complies as to comply with all plans, specifications, codes, laws, and regulations 626 applicable. The scope of work of the plumbing contractor applies 627 shall apply to private property and public property, including any excavation work incidental thereto, and 628 includes shall include the work of the specialty plumbing contractor. Such contractor shall subcontract, with a qualified 631 contractor in the field concerned, all other work incidental to the work but which is specified herein as being the work of a trade other than that of a plumbing contractor. Nothing in This 634 definition does not shall be construed to limit the scope of work of any specialty contractor certified pursuant to s. 636 489.113(6), and does not. Nothing in this definition shall be construed to require certification or registration under this part of any authorized employee of a public natural gas utility. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter if, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor may not install any piping that is an integral part of a fire protection system as defined in s. 671 633.021 beginning at the

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 639 or of a private natural gas utility regulated by the Public Service Commission when disconnecting and reconnecting water lines in the servicing or replacement of an existing water heater. 643 (n) “Underground utility and excavation contractor” means a contractor whose services are limited to the construction, installation, and repair, on public or private property, whether accomplished through open excavations or through other means, including, but not limited to, directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining, of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line on residential or single-occupancy commercial properties, or on multioccupancy properties at manhole or wye lateral extended to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. However, an underground utility and excavation contractor may install empty underground conduits in rights-of-way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings no smaller than 2 inches in diameter if, provided that each conduit system installed is designed by a licensed professional engineer or an authorized employee of a municipality, county, or public utility and that the installation of any such conduit does not include installation of any conductor wiring or connection to an energized electrical system. An underground utility and excavation contractor may not install any piping that is an integral part of a fire protection system as defined in s. 671 633.021 beginning at the
point where the piping is used exclusively for such system. (o) “Solar contractor” means a contractor whose services consist of the installation, alteration, repair, maintenance, relocation, or replacement of solar panels for potable solar water heating systems, swimming pool solar heating systems, and photovoltaic systems and any appurtenances, apparatus, or equipment used in connection therewith, whether public, private, or otherwise, regardless of use. A contractor, certified or registered pursuant to the provisions of this chapter, is not required to become a certified or registered solar contractor or to contract with a solar contractor in order to provide any services enumerated in this paragraph that are within the scope of the services such contractors may render under this part. (p) “Pollutant storage systems contractor” means a contractor whose services are limited to, and who has the experience, knowledge, and skill to install, maintain, repair, alter, extend, or design, if when not prohibited by law, and use materials and items used in the installation, maintenance, extension, and alteration of pollutant storage tanks. Any person installing a pollutant storage tank shall perform such installation in accordance with the standards adopted pursuant to s. 376.303. (q) “Glass and glazing contractor” services are unlimited in the execution of contracts requiring installation, attachment, fabricate, alter, extend, or design, in residential and commercial applications without any height restrictions, all types of windows, glass, and mirrors, whether fixed or movable; swinging or sliding glass doors attached to existing walls, floors, columns, or other structural members of the building; glass holding or supporting Mullions or horizontal bars; structurally anchored impact-resistant opening protection attached to existing building walls, floors, columns, or other structural members of the building; prefabricated glass, metal, or plastic curtain walls; storefront frames or panels; shower and tub enclosures; metal fascias; and caulking incidental to such work and assembly. (r)(q) “Specialty contractor” means a contractor whose scope of work and responsibility is limited to a particular phase of construction established in a category adopted by board rule and whose scope is limited to a subset of the activities described in one of the paragraphs of this subsection. Section 15. Paragraphs (b) and (c) of subsection (4) of section 489.107, Florida Statutes, are amended to read: 489.107 Construction Industry Licensing Board.— (4) The board shall be divided into two divisions, Division I and Division II. (b) Division II is comprised of the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and...
excavation contractor members of the 723 board; one of the members appointed pursuant to paragraph 724 (2)(j); and one of the members appointed pursuant to paragraph 725 (2)(k). Division II has jurisdiction over the regulation of contractors defined in s. 489.105(3)(d)-(q) 489.105(3)(d)-(p).

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

Section 16. Paragraph (g) of subsection (2) of section 489.141, Florida Statutes, is amended to read:

489.141 Conditions for recovery; eligibility.—
(2) A claimant is not qualified to make a claim for recovery from the recovery fund, if:
(g) The claimant has contracted with a licensee to perform a scope of work described in s. 489.105(3)(d)-(r) 489.105(3)(q).

Section 17. Subsection (1) of section 514.028, Florida Statutes, is amended to read:

514.028 Advisory review board.—
(1) The Governor shall appoint an advisory review board which shall meet as necessary or at least quarterly, to recommend agency action on variance request, rule and policy development, and other technical review problems. The board shall be comprised of the following:
(a) A representative from the office of licensure and certification of the department.
(b) A representative from the county health departments.
(c) Three representatives from the swimming pool construction industry.
(d) A representative Two representatives from the public lodging industry. (e) A representative from a county or local building department.

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 755department.
2011396c2
18. Subsection (3) of section 527.06, Florida amended to read:
756 Section 757 Statutes, is 758 527.06 Rules.— 759 (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. 764 (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. This subsection shall be deemed repealed upon the last effective date of rules adopted, directly or as incorporated by reference, by the
department, the Florida Building Commission as part of the Florida Building Code, and the Office of State Fire Marshal as part of the Florida Fire Prevention Code of these minimum separation distances as contained in the 2011 edition of NFPA 58 promulgated by the National Fire Protection Association.

Section 19. Subsection (11) of section 527.21, Florida Statutes, is amended to read:

\begin{verbatim}
527.21 Definitions relating to Florida Propane Gas Education, Safety, and Research Act.—As used in ss. 527.20-782, 527.23, the term:
\end{verbatim}

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

Section 20. Section 553.502, Florida Statutes, is amended to read:

\begin{verbatim}
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 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.
\end{verbatim}

Section 21. Section 553.503, Florida Statutes, is amended to read:

\begin{verbatim}
553.503 Adoption of federal standards guidelines.—Subject to modifications under this part the exceptions in s. 553.504, the federal Americans with Disabilities Act Standards for Accessible Design Accessibility Guidelines, and related regulations provided as adopted by reference in 28 C.F.R., parts 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and Title II of Pub. L. No. 101-336, are hereby adopted and incorporated by reference as the law of this state and shall be
\end{verbatim}
incorporated into. The guidelines shall establish the minimum standards for the accessibility of buildings and facilities built or altered within this state. the 1997 Florida Accessibility Code for Building Construction and must be adopted by the Florida Building Commission in accordance with chapter 120. Section 22. Section 553.504, Florida Statutes, is amended to read:

553.504 Exceptions to applicability of the federal standards guidelines.—Notwithstanding the adoption of the Americans with Disabilities Act Standards for Accessible Design pursuant to Accessibility Guidelines in s. 553.503, all buildings, structures, and facilities in this state must meet the following additional requirements if such requirements when they provide increased accessibility: (1) All new or altered public buildings and facilities, private buildings and facilities, places of public accommodation, and commercial facilities, subject to this part ss. 553.501-553.513 which may be frequented in, lived in, or worked in by the public must comply with this part ss. 553.501-553.513. (2) All new single-family houses, duplexes, triplexes, condominiums, and townhouses shall provide at least one bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is provided at grade level, such toilet room must have a clear opening of at least not less than 29 inches. (3) All required doors and walk-through openings in buildings excluding single-family homes, duplexes, and triplexes not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width except under ss. 553.501-553.513. (4) In addition to the requirements in reference 4.8.4 of the guidelines, all landings on ramps shall be not less than 60 inches clear, and the bottom of each ramp shall have not less 72 inches of straight and level clearance. (5) All curb ramps shall be designed and constructed in accordance with the following requirements: (a) Notwithstanding the requirements of reference 4.8.5.2 of the guidelines, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface. (b) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of a required means of egress shall be not less than 44 inches wide. (c) Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.

Page 29 of 59 CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 842 bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is provided at grade level, such toilet room must have a clear opening of at least not less than 29 inches. (3) All required doors and walk-through openings in buildings excluding single-family homes, duplexes, and triplexes not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width except under ss. 553.501-553.513. (4) In addition to the requirements in reference 4.8.4 of the guidelines, all landings on ramps shall be not less than 60 inches clear, and the bottom of each ramp shall have not less 72 inches of straight and level clearance. (5) All curb ramps shall be designed and constructed in accordance with the following requirements: (a) Notwithstanding the requirements of reference 4.8.5.2 of the guidelines, handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface. (b) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, curb ramps that are part of a required means of egress shall be not less than 44 inches wide. (c) Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.

Page 30 of 59 CODING: Words stricken are deletions; words underlined are additions.

580-02578-11 2011396c2 (3)(6) Notwithstanding the requirements in s. 404.2.9 reference 4.13.11 of the standards guidelines, exterior hinged
doors must shall be so designed so that such doors can be pushed
or pulled open with a force not exceeding 8.5 foot pounds. (7) Notwithstanding the requirements in
reference 4.33.1 of
the guidelines, all public food service establishments, all establishments licensed under the Beverage
Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines
shall provide seating or spaces for seating in accordance with the following requirements:
(a) For the first 100 fixed seats, accessible and usable spaces must be provided consistent with the
following table:
<table>
<thead>
<tr>
<th>Capacity of Seating</th>
<th>Number of Required In Assembly Areas</th>
<th>Wheelchair Locations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 25...</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>26 to 50...</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>51 to 100...</td>
<td>4</td>
<td></td>
</tr>
</tbody>
</table>
(b) For all remaining fixed seats, there shall be not less than one such accessible and usable space for
each 100 fixed seats or fraction thereof.
(8) Notwithstanding the requirements in references 4.32.1-4.32.4 of the guidelines, all fixed seating
in public food service establishments, in establishments licensed under the Beverage Law for
consumption on the premises, and in all other

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 895 facilities governed by reference 4.1 of the guidelines shall be 896
designed and constructed in accordance with the following 897 requirements: 898  (a) All
aisles adjacent to fixed seating shall provide 899 clear space for wheelchairs. 900  (b) Where
there are open positions along both sides of such 901 aisles, the aisles shall be not less than 52
inches wide. 902  (4)(9) In motels and hotels a number of rooms equaling at
903 least 5 percent of the guest rooms minus the number of 904 accessible rooms required by the
standards must guidelines shall
905 provide the following special accessibility features: 906  (a) Grab rails in bathrooms and
toilet rooms that comply 907 with s. 604.5 4.16.4 of the standards guidelines.
908  (b) All beds in designed accessible guest rooms must shall
909 be an open-frame type that allows the to permit passage of lift
910 devices. 911  (c) Water closets that comply with section 604.4 of the
912 standards. All standard water closet seats shall be at a height
913 of 15 inches, measured vertically from the finished floor to the 914 top of the seat, with a
variation of plus or minus 1/2 inch. A 915 portable or attached raised toilet seat shall be
provided in all 916 designated handicapped accessible rooms.
917 918 All buildings, structures, or facilities licensed as a hotel, 919 motel, or condominium
pursuant to chapter 509 are shall be
920 subject to the provisions of this subsection. This subsection
921 does not relieve Nothing in this subsection shall be construed
922 as relieving the owner of the responsibility of providing 923 accessible rooms in conformance
with ss. 224 and 806 of the

Page 32 of 59 CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2011 CS for CS for SB 396
925  (10) Notwithstanding the requirements in reference 4.29.2 926 of the guidelines, all
detectable warning surfaces required by 927 the guidelines shall be governed by the requirements
(11) Notwithstanding the requirements in references 4.31.2 and 4.31.3 of the guidelines, the installation and placement of all public telephones shall be governed by the rules of the Florida Public Service Commission.

(5)(12) Notwithstanding ss. 213 and 604 of the standards the requirements in references 4.1.3(11) and 4.16-4.23 of the guidelines, required bathing rooms restrooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements: 938(a) The standard accessible toilet compartment must contain an accessible lavatory within it, 940 which must be at least the size of such lavatory to be not less than 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the 943 clear floor space areas required by s. 604 of the standards 4.17 figure 30(a) of the guidelines for the standard accessible 495 toilet compartment stall and to comply with s. 606 of the standards 4.19 of the guidelines. Such lavatories shall be counted as part of the required fixture count for the building. 948(b) The accessible toilet compartments must water closet shall be located in the corner, diagonal to the door. 950(c) The accessible stall door shall be self-closing. 951(13) All customer checkout aisles not required by the 952 guidelines to be handicapped accessible shall have at least 32 inches of clear passage. 954(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. 960(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 be removed.

Section 23. 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 achievable standard, and the standards applicable to alterations to places of public accommodation and commercial facilities.

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

Page 33 of 59 CODING: Words stricken are deletions; words underlined are additions.
Florida Senate - 2011 CS for CS for SB 396

580-02578-11 2011396c2 982 law of this state. 983 (2) State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development. 988 (3) Designated accessible parking spaces are provided for self-parking by employees or visitors, or both, accessible spaces shall be provided in each such parking area. Such spaces shall be designed and marked for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a 996 license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 997 320.0845. 998 (4) The number of accessible parking spaces must comply with the parking requirements in ADAAG s. 208 of the standards and the following: 1001 (a) There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of the building. 1006 (b) There must be one accessible parking space for each metered on-street parking space provided by state agencies and political subdivisions. 1010 (c) The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need. 1035 (5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located to conform to in conformance with the guidelines set forth in ADAAG ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s. A4.6.3 “Universal Parking Design.” 1018 (a) All spaces must be located on an accessible route that is at least no less than 44 inches wide so that users are will not be compelled to walk or wheel behind parked vehicles except behind his or her own vehicle. 1020 (b) Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance. If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance. 1035 (c)1. Each parking space must be at least no less than 12 feet wide. Parking access aisles must be at least no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. In accordance with ADAAG s. 1039 4.6.3, access aisles must be placed adjacent to accessible
Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 1040 parking spaces; however, two accessible parking spaces may share a common access aisle. The access aisle must be striped diagonally to designate it as a no-parking zone. 1043 2. The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities. A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled parking permit. 1053 3. Notwithstanding any other provision of this subsection, a theme park or an entertainment complex as defined in s. 509.013(9) in which are provided continuous attendant services are provided for directing individuals to marked accessible parking spaces or designated lots for parking by persons who have disabilities, may, in lieu of the required parking space design, provide parking spaces that comply with ADAAG ss. 208 and 502 of the standards 4.1 and 4.6.
1062 (d) On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed to conform to in conformance with the guidelines set forth in ADAAG ss. 208 and 502 of the standards, except that 4.6.2 through 4.6.5, exception: access aisles are not required. Curbs adjacent to such spaces must be of a height that does not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ADAAG ss. 208 and 502 of the standards 4.1 and 4.6.
1073 (e) Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible. 1076 (f) Curb ramps must be located outside of the disabled parking spaces and access aisles. 1078 (e)(g)1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. 553.508 must comply with this section unless compliance would cause the barrier removal not to be readily achievable. If compliance would cause the barrier removal not to be readily achievable, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing such persons who have disabilities to the alternative parking if readily achievable. The facility may not reduce the required number or dimensions of those spaces or, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to that of others.

Page 37 of 59 CODING: Words stricken are deletions; words underlined are additions.
2. A facility that is making alterations under s. 1094 553.507(2)(b) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage persons who have a disability to alternative facility may not reduce the required number or dimensions of those spaces, or nor may it unnecessarily increase the length of the accessible route from a parking space to the facility. The alteration must not create a significant risk to the health or safety of a person who has a disability or to that of others. (6) Each such parking space must be striped in a manner consistent with the standards of the controlling jurisdiction for other spaces and prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities. The space and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at least 60 inches above the finished floor or ground surface measured to the bottom of the sign. The sign bears the international symbol of accessibility meeting the requirements of ADAAG s. 703.7.2.1 of the standards 4.30.7 and the caption “PARKING BY DISABLED PERMIT ONLY.” Such a sign erected after October 1, 1996, must indicate the penalty for illegal use of the space. Notwithstanding any other provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. 509.013(9) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection does not relieve the owner of the responsibility of complying with the signage requirements of ADAAG s. 502.6 of the standards 4.30.
553.506 Powers of the commission.—In addition to any other authority vested in the Florida Building Commission by law, the commission, in implementing this part ss. 553.501-553.513, may, by rule, adopt revised and updated versions of the Americans with Disabilities Act Standards for Accessible Design Accessibility Guidelines in accordance with chapter 120. Section 26. 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 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 residential to nonresidential or mixed use as defined by the Florida Building Code. Such building or facility must, at a minimum, comply with s. 553.508 and the requirements for alternations as determined by the federal standards established and adopted pursuant to s. 553.503.
(4) Buildings and facilities where the original construction or any former alteration or renovation was carried out in violation of applicable permitting law.
Section 27. Section 553.509, Florida Statutes, is amended to read: 553.509 Vertical accessibility.— (1) This part and the Americans with Disabilities Act Standards for Accessible Design do not Nothing in ss. 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by this part those sections from the duty to provide vertical accessibility.
accessibility to all levels above and below the occupiable grade level, regardless of whether the standards guidelines require an elevator to be installed in such building, structure, or facility, except for:

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

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

(c) Occupiable spaces and rooms that are not open to the 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. At a minimum, the elevator must be appropriately prewired and prepared to accept an alternate power source and must have a connection on the line side of the main disconnect, pursuant to National Electric Code Handbook, Article 700. In addition to the required power source for the elevator and connected fire alarm system in the building, the alternate power supply must be sufficient to provide emergency lighting to the interior lobbies, hallways, and other portions of the building used by the public. Residential multifamily dwellings must have an available generator and fuel source on the property or have proof of a current contract posted in the elevator machine room or other place conspicuous to the elevator inspector affording a current guaranteed service contract for such equipment and fuel source to operate the elevator on an on-call basis within 24 hours after a request. By December 31, 2006, any person, firm or corporation that owns, manages, or operates a residential multifamily dwelling as defined in paragraph (a) must provide to the local building inspection agency verification of engineering plans for residential multifamily dwellings that provide for the capability to generate power by alternate means. Compliance with installation requirements and operational capability requirements must be verified by local building inspection agencies.
inspectors and
Page 43 of 59 CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 1243 reported to the county emergency management agency by December 1244 31, 2007. 1245 (c) Each newly constructed residential multifamily 1246 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, must have at least one public elevator that is capable of operating on an alternate power source 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. 1248 (d) Each newly constructed residential multifamily dwelling, including a condominium, that is at least 75 feet high and contains a public elevator, as described in s. 399.035(2) and (3) and rules adopted by the Florida Building Commission, must have at least one public elevator that is capable of operating on an alternate power source 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.

Page 44 of 59 CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 1272 provisions for the health, safety, and welfare of the residents. 1273 In addition, the owner, manager, or operator of the residential multifamily dwelling must keep written records of any contracts for alternative power generation equipment. Also, quarterly inspection records of lifesafety equipment and alternate power generation equipment must be posted in the elevator machine room or other place conspicuous to the elevator inspector, which confirm that such equipment is properly maintained and in good working condition, and copies of contracts for alternate power generation equipment shall be maintained on site for verification. The written emergency operations plan and inspection records shall also be open for periodic inspection by local and state government agencies as deemed necessary. The owner or operator must keep a generator key in a lockbox posted at or near any installed generator unit. 1287 (c) Multistory affordable residential dwellings for persons 62 and older that are financed or insured by the United States Department of Housing and Urban Development must make every effort to obtain grant funding from the Federal Government or the Florida Housing Finance Corporation to comply with this subsection. If an owner of such a residential dwelling cannot comply with the requirements of this subsection, the owner must develop a plan with the local emergency management agency to ensure that residents are evacuated to a place of safety in the event of a power outage resulting from a natural or manmade disaster or other emergency situation that disrupts the normal supply of electricity for an extended period of
time. A place of safety may include, but is not limited to, relocation to an alternative site within the building or evacuation to a local shelter.

Section 28. Consistent with the federal implementation of the 2010 Americans with Disabilities Act Standards for Accessible Design, buildings and facilities in this state may be designed in conformity with the 2010 standards if the design also complies with Florida-specific requirements provided in part II of chapter 553, Florida Statutes, until the Florida Accessibility Code for Building Construction is updated to implement the changes to part II of chapter 553, Florida Statutes, as provided by this Act.

Section 29. Subsections (1), (2), (3), (9), and (15) of section 553.73, Florida Statutes, are amended to read:

553.73 Florida Building Code.—

(a) The commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code and a Florida supplement to the International Code Council’s set of codes which contains or incorporates shall contain or incorporate by reference all laws and rules that pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

(b) The technical portions of the Florida Accessibility Code for Building Construction shall be contained in their entirety in the Florida Building Code supplement to the International Accessibility Code. The civil rights portions and the technical portions of the accessibility laws of this state shall remain as currently provided by law. Any revision or amendments to the Florida Accessibility Code for
Building 1348  Construction pursuant to part II shall be placed in the next 
1349 edition of the supplement considered adopted by the commission 
1350 as part of the Florida Building Code. Neither the commission nor 1351 any local government 
shall revise or amend any standard of the 1352 Florida Accessibility Code for Building 
Construction except as 1353 provided for in part II. 
1354 (b)(c) The Florida Fire Prevention Code and the Life Safety 
1355 Code shall be referenced in the Florida Building Code, but shall 1356 be adopted, modified, 
revised, or amended, interpreted, and 1357 maintained by the Department of Financial Services 
by rule 1358 adopted pursuant to ss. 120.536(1) and 120.54. The Florida 
Page 47 of 59 CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2011  CS for CS for SB 396 
580-02578-11  1359 Building Commission may not adopt a fire prevention or 1360 
lifesafety code, and nothing in the Florida Building Code shall affect the statutory 
powers, duties, and responsibilities of any 1362 fire official or the Department of Financial Services. 
1363 (c)(d) Conflicting requirements between the Florida 
2011396c2  
1364 Building Code and the Florida Fire Prevention Code and Life 1365 Safety Code of the 
state established pursuant to ss. 633.022 and 1366 633.025 shall be resolved by agreement 
between the commission 1367 and the State Fire Marshal in favor of the requirement that 1368 
offers the greatest degree of lifesafety or alternatives that 1369 would provide an equivalent 
degree of lifesafety and an 1370 equivalent method of construction. If the commission and State 
1371 Fire Marshal are unable to agree on a resolution, the question 1372 shall be referred to a 
mediator, mutually agreeable to both 1373parties, to resolve the conflict in favor of the provision 
that 1374 offers the greatest lifesafety, or alternatives that would 1375 provide an equivalent 
degree of lifesafety and an equivalent 1376 method of construction. 1377 (d)(e) Subject 
to the provisions of this act, 
1378 responsibility for enforcement, interpretation, and regulation 1379 of the Florida Building 
Code shall be vested in a specified local board or agency, and the terms words “local 
government” 
1381 and “local governing body” as used in this part shall be construed to refer 
exclusively to such local board or agency. 1383 (2) The Florida Building Code and supplement must 
shall 
1384 contain provisions or requirements for public and private 1385 buildings, structures, and 
facilities relative to structural, 1386 mechanical, electrical, plumbing, energy, and gas systems, 1387 
existing buildings, historical buildings, manufactured 
Page 48 of 59 CODING: Words stricken are deletions; words underlined are additions.

Florida Senate - 2011  CS for CS for SB 396 
580-02578-11  2011396c2 1388 buildings, elevators, coastal construction, lodging facilities, 1389 
food sales and food service facilities, health care facilities, 1390 including assisted living 
facilities, adult day care facilities, 1391 hospice residential and inpatient facilities and units, and 
1392 facilities for the control of radiation hazards, public or 1393 private educational facilities, 
swimming pools, and correctional 1394 facilities and enforcement of and compliance with such 
1395 provisions or requirements. Further, the Florida Building Code 1396 and supplement must 
provide for uniform implementation of ss. 
1397 515.25, 515.27, and 515.29 by including standards and criteria 1398 for residential 
swimming pool barriers, pool covers, latching 1399 devices, door and window exit alarms, and 
other equipment 1400 required therein, which are consistent with the intent of s. 1401 515.23.
Technical provisions to be contained within the Florida 1402 Building Code are restricted to requirements related to the 1403 types of materials used and construction methods and standards 1404 employed in order to meet criteria specified in the Florida 1405 Building code. Provisions relating to the personnel, supervision 1406 or training of personnel, or any other professional 1407 qualification requirements relating to contractors or their 1408 workforce may not be included within the Florida Building Code, 1409 and subsections (4), (6), (7), (8), and (9) are not to be 1410 construed to allow the inclusion of such provisions within the 1411 Florida Building code by amendment. This restriction applies to 1412 both initial development and amendment of the Florida Building Code and supplement.

(3) The commission shall use the International Codes 1415 published by the International Code Council, the National 1416 Electric Code (NFPA 70), or other nationally adopted model codes

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 1417 and standards needed to supplant or apply the base code 2011396c2 in
1418 Florida select from available national or international model 1419 building codes, or other available building codes and standards 1420 currently recognized by the laws of this state, to form the 1421 foundation for building code standards and the Florida Building
1422 Code and supplement. The commission may modify the selected 1423 model codes and standards as needed to accommodate the specific 1424 needs of this state. Standards or criteria referenced by the 1425 selected model codes shall be similarly incorporated by 1426 reference. If a referenced standard or criterion requires 1427 amplification or modification to be appropriate for use in this 1428 state, only the amplification or modification shall be 1429 specifically set forth in the Florida Building Code. The Florida 1430 Building Commission may approve technical amendments to the 1431 code, subject to the requirements of subsections (8) and (9), 1432 after the amendments have been subject to the following 1433 conditions: 1434 (a) The proposed amendment has been published on the commission’s website for a minimum of 45 days and all the 1435 associated documentation has been made available to any interested party before any consideration by a technical advisory committee; 1436 (b) In order for a technical advisory committee to make a favorable recommendation to the commission, the proposal must receive a three-fourths vote of the members present at the technical advisory committee meeting and at least half of the regular members must be present in order to conduct a meeting; 1444 (c) After technical advisory committee consideration and a recommendation for approval of any proposed amendment, the proposal must be published on the commission’s website for at least not less than 45 days before any consideration by the commission; and (d) Any proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120. The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the

Page 50 of 59 CODING: Words stricken are deletions; words underlined are additions.
(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 this state.
2. Has a reasonable and substantial connection with the health, safety, and welfare of the general public.
3. Strengthens or improves the Florida Building Code, or in the case of innovation or new technology, will provide equivalent or better products or methods or systems of construction.
4. Does not discriminate against materials, products, methods, or systems of construction of demonstrated capabilities.
5. Does not degrade the effectiveness of the Florida Building Code.

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

(b) A proposed amendment must include a fiscal impact statement that documents the costs and benefits of the proposed amendment. Criteria for the fiscal impact statement shall be established by rule by the commission and shall include the impact to local government relative to enforcement, the impact to property and building owners, and the impact as well to industry, relative to the cost of compliance. A proposed amendment to the base code must also include specific justifications for why this state is different from other areas that have adopted the base code and why the proposed amendment applies to this state and no other area or region where the base code has been adopted.

(c) The commission may not approve a any proposed amendment that does not accurately and completely address all requirements.
statement. Proposed amendments rejected by members of the staff may not be considered by the commission or any technical advisory committee. (d) Provisions of the Florida Building Code, including those contained in referenced standards and criteria, relating to wind resistance or the prevention of water intrusion may not be amended pursuant to this subsection to diminish those construction requirements; however, the commission may, subject to conditions in this subsection, amend the provisions to enhance those construction requirements. (15) An agency or local government may not require that existing mechanical equipment on the surface of a roof be installed in compliance with the requirements of the Florida Building Code until the equipment is required to be removed or replaced, or the roof is replaced or recovered.

Section 30. Paragraph (v) of subsection (1) of section 553.74, Florida Statutes, is amended to read: Florida Building Commission.— (1) The Florida Building Commission is created and shall be located within the Department of Community Affairs for administrative purposes. Members shall be appointed by the Governor subject to confirmation by the Senate. The commission shall be composed of 25 members, consisting of the following: (v) One member who is a representative of the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED) LEED-accredited professional.

Any person serving on the commission under paragraph (c) or paragraph (h) on October 1, 2003, and who has served less than two full terms is eligible for reappointment to the commission regardless of whether he or she meets the new qualification. Section 31. Subsection (5) of section 553.842, Florida Statutes, is amended to read: Product evaluation and approval.— (5) Statewide approval of products, methods, or systems of construction may be achieved by one of the following methods. One of these methods must be used by the commission to approve the following categories of products: panel walls, exterior doors, roofing, skylights, windows, shutters, and structural components as established by the commission by rule. A product may not be advertised, sold, offered, provided, distributed, or marketed as hurricane, wind storm, or impact protection from wind-borne debris during a hurricane or wind storm unless it is approved pursuant to s. 553.842 or s. 553.8425. Any person who advertises, sells, offers, provides, distributes, or markets a product as hurricane, windstorm, or impact protection from wind-borne debris without such approval is subject to the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501 brought by the enforcing authority as defined in s. 501.203.
(a) Products for which the code establishes standardized testing or comparative or rational analysis methods shall be approved by submittal and validation of one of the following reports or listings indicating that the product or method or system of construction was evaluated to be in compliance with the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code:

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

A product evaluation report or a certification mark or listing of an approved certification agency which demonstrates that the product or method or system of construction complies with the Florida Building Code for the purpose intended is shall be equivalent to a test report and test procedure as referenced in the Florida Building Code. An application for state approval of a product under subparagraph 1. must be approved by the department after the commission staff or a designee verifies that the application and related documentation are complete.

Florida Senate - 2011 CS for CS for SB 396

This verification must be completed within 10 business days after receipt of the application. Upon approval by the department, the product shall be immediately added to the list of state-approved products maintained under subsection (13). Approvals by the department shall be reviewed and ratified by the commission’s program oversight committee except for a showing of good cause that a review by the full commission is necessary. The commission shall adopt rules providing means to cure deficiencies identified within submittals for products approved under this paragraph. (b) Products, methods, or systems of construction for which there are no specific standardized testing or comparative or rational analysis methods established in the code may be approved by submittal and validation of one of the following:  

1. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, from an approved product evaluation entity indicating that the product or method or system of construction was evaluated to be in compliance with the intent of the Florida Building Code and that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code; or  
2. A product evaluation report based upon testing or comparative or rational analysis, or a combination thereof, developed and signed and sealed by a professional engineer or architect, licensed in this state, who certifies that the product or method or system of construction is, for the purpose intended, at least equivalent to that required by the Florida Building Code.
Subsections (3), (4), and (5) of section 553.909, Florida Statutes, are amended to read: 553.909 Setting requirements for appliances; exceptions.— (3) Commercial or residential swimming pool pumps or water heaters manufactured and sold on or after July 1, 2011, for installation in this state must shall comply with the requirements of the Florida Energy Efficiency Code for Building Construction this subsection.
(a) Natural gas pool heaters shall not be equipped with constantly burning pilots.
(b) Heat pump pool heaters shall have a coefficient of performance at low temperature of not less than 4.0.
(c) The thermal efficiency of gas-fired pool heaters and oil-fired pool heaters shall not be less than 78 percent.
(d) All pool heaters shall have a readily accessible on-off switch that is mounted outside the heater and that allows shutting off the heater without adjusting the thermostat setting.
(4)(a) Residential swimming pool filtration pumps and pump motors manufactured and sold on or after July 1, 2011, for installation in this state must comply with the requirements of the Florida Energy Efficiency Code for Building Construction in this subsection. (b) Residential filtration pool pump motors shall not be split-phase, shaded-pole, or capacitor start-induction run types.
(c) Residential filtration pool pumps and pool pump motors with a total horsepower of 1 HP or more shall have the capability of operating at two or more speeds with a low speed having a rotation rate that is no more than one-half of the 1650 motor’s maximum rotation rate. 1651 The default circulation speed shall be the 1654 residential filtration speed, with a higher speed override capability being for a temporary period not to exceed one normal 1656 cycle or 24 hours, whichever is less; except that circulation 1657 speed for solar pool heating systems shall be permitted to run 1658 at higher speeds during periods of usable solar heat gain. 1659

Florida Senate - 2011 CS for CS for SB 396
580-02578-11 2011396c2 1649 having a rotation rate that is no more than one-half of the 1650 motor’s maximum rotation rate. 1651 (d) Residential filtration pool pump motor controls shall 1652 have the capability of operating the pool pump at a minimum of 1653 two speeds. The default circulation speed shall be the 1654 residential filtration speed, with a higher speed override 1655 capability being for a temporary period not to exceed one normal 1656 cycle or 24 hours, whichever is less; except that circulation 1657 speed for solar pool heating systems shall be permitted to run 1658 at higher speeds during periods of usable solar heat gain. 1659

(5) Portable electric spas manufactured and sold on or after July 1, 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(V2/3) watts where V = the total volume, in gallons, when 1664 spas are measured in accordance with the spa industry test 1665 protocol. 1666 Section 33. Paragraph (a) of subsection (2) of section 1667627.711, Florida Statutes, is amended to read:
1668 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.— 1670 (2)(a) The Financial Services Commission shall develop by 1671 rule a uniform mitigation verification inspection form that 1672 shall be used by all insurers when submitted by policyholders 1673 for the purpose of factoring discounts for wind insurance. In 1674developing the form, the commission shall seek input from 1675 insurance, construction, and building code representatives. 1676 Further, the commission shall provide guidance as to the length 1677 of time the inspection results are valid. An insurer shall provide...
Florida Senate - 2011  CS for CS for SB 396

580-02578-11  2011396c2 1678 accept as valid a uniform mitigation verification form signed by
1679 the following authorized mitigation inspectors: 1680 1. A home inspector licensed under s.
468.8314 who has 1681 completed at least 3 hours of hurricane mitigation training 1682
approved by the Construction Industry Licensing Board which
1683 includes hurricane mitigation techniques and compliance with the 1684 uniform mitigation
verification form and completion of a 1685 proficiency exam. Thereafter, home inspectors
licensed under s. 1686 468.8314 must complete at least 2 hours of continuing education, 1687
as part of the existing licensure renewal requirements each
1688 year, related to mitigation inspection and the uniform 1689 mitigation form; 1690 2. A
building code inspector certified under s. 468.607; 1691 3. A general, building, or residential
contractor licensed 1692 under s. 489.111; 1693 4. A professional engineer licensed under s.
471.015; 1694 5. A professional architect licensed under s. 481.213; or 1695 6. Any other
individual or entity recognized by the insurer 1696 as possessing the necessary qualifications to
properly complete a uniform mitigation verification form. 1697 Section 34. This act shall
take effect July 1, 2011.

Page 59 of 59 CODING: Words stricken are deletions; words underlined are additions.
### ATTACHMENT 2
#### BILL MATRIX 2011

<table>
<thead>
<tr>
<th>Bill #</th>
<th>Sponsor</th>
<th>Committees of Reference</th>
<th>Current Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>396</td>
<td>Sen. Bennett</td>
<td>Only Budget remains</td>
<td>CS for CS is current version, bill passed Comm. Aff. and Reg. Ind.</td>
<td>Contains Commission recommendations; also currently contains language relating to style of publication of the Code and other building related matters.</td>
</tr>
<tr>
<td>407</td>
<td>Rep. Perry</td>
<td>Comm./Mil Aff.; Econ. Aff. Comm.</td>
<td>No movement as of yet</td>
<td>Inspections unrelated to scope of permitted work</td>
</tr>
<tr>
<td>580</td>
<td>Sen. Oelrich</td>
<td>Comm. Aff.; Reg. Ind.; Budget</td>
<td>No movement as of yet</td>
<td>Inspections unrelated to scope of permitted work</td>
</tr>
<tr>
<td>1081</td>
<td>Rep. Chestnut</td>
<td>Energy and Utilities; Comm./Mil. Aff.; Transp./Econ. Dev. Apps.; St. Aff.</td>
<td>No movement as of yet</td>
<td>Addition of standards related to parking lot surfacing and green roofing to the appliance efficiency program at DCA.</td>
</tr>
<tr>
<td>1216</td>
<td>Sen. Altman</td>
<td>Env. Pres.; Comm. Aff.; Budget</td>
<td>No movement as of yet</td>
<td>Addition of standards related to parking lot surfacing and green roofing to the appliance efficiency program at DCA.</td>
</tr>
<tr>
<td>PCB</td>
<td>RRS 11-01</td>
<td>Rulemaking and Regulation Subcommittee</td>
<td>Not referred.</td>
<td>House effort at exemption from ratification for the update process related to the Code; stand alone bill.</td>
</tr>
<tr>
<td>NA</td>
<td>REORG LEGISLATION</td>
<td>NO BILLS FILED OR REFERRED AS OF YET</td>
<td>BILL WORKSHopped BY TED APPS IN SENATE, 3/11, 623 pg bill available in meeting packet from Senate website</td>
<td>Initial draft containing transfer of Commission to DBPR [ll 332-3; 363-365]</td>
</tr>
</tbody>
</table>

**General Notes:**
Bills presented in the matrix are grouped by House/Senate companion bills.
Once filed, even-numbered bills originate from the Senate, odd-numbered bills originate from the House excepting proposed committee bills until they are filed.
Up-to-date information can be obtained via the Legislature's website, [www.leg.state.fl.us](http://www.leg.state.fl.us). Amendments may be accessed via committee pages linking to their meeting packets or from particular bill pages. Bill pages will reflect whether a particular bill is scheduled to be heard in Committee.