

# FLORIDA BUILDING COMMISSION



## FACILITATOR'S SUMMARY REPORT OF THE MARCH 28, 2011 TELECONFERENCE MEETING

*TALLAHASSEE, FLORIDA*

FACILITATION, MEETING AND PROCESS DESIGN BY



CONSENSUS CENTER

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**FLORIDA BUILDING COMMISSION**  
**MARCH 28, 2011 TELECONFERENCE MEETING SUMMARY REPORT**

**MONDAY, MARCH 28, 2011**

**OPENING AND MEETING ATTENDANCE**

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

Raul L. Rodriguez, AIA, Chair, Hamid Bahadori, Bob Boyer, Dick Browdy, Ed Carson, Kiko Franco, Herminio Gonzalez, Dale Greiner, Jeff Gross, Jon Hamrick, Scott Mollan, Nick Nicholson, Drew Smith, Jim Schock, Chris Schulte, Jeff Stone, Mark Turner, and Randall Vann.

**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.

## ATTACHMENT 1

### SENATE BILL 396 (3/18/11 VERSION)

#### 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

580-02578-11 2011396c2

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 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 to: 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. 455.228 250 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 with

(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 Statutes, is amended to read: “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.

336 Section 13. Subsection (18) of section 489.103, Florida 337 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

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**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 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 than buildings or residences over three stories tall; and 364 buildings or residences over three stories tall. Contractors are 365 subdivided into two divisions, Division I, consisting of those 366 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 372 part, and who may perform any work requiring licensure under 373 this part, except as otherwise expressly provided in s. 489.113. 374 (b) “Building contractor” means a contractor whose services 375 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

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580-02578-11 2011396c2 378 in height, and accessory use structures in connection therewith 379 or a contractor whose services are limited to remodeling, 380 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 383 services are limited to construction, remodeling, repair, or 384 improvement of one-family, two-family, or three-family 385 residences not exceeding two habitable stories above no more 386 than one uninhabitable story and accessory use structures in 387 connection therewith. 388 (d) “Sheet metal contractor” means a contractor whose 389 services are unlimited in the sheet metal trade and who has the 390 experience, knowledge, and skill necessary for the manufacture, 391 fabrication, assembling, handling, erection, installation, 392 dismantling, conditioning, adjustment, insulation, alteration, 393 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 395 equivalent or lighter gauge and of other materials, including, 396 but not limited to, fiberglass, used in lieu thereof and of air- 397 handling systems, including the setting of air-handling 398 equipment and reinforcement of same, the balancing of air- 399 handling systems, and any duct cleaning and equipment sanitizing 400 that which requires at least a partial disassembling of the 401 system. 402 (e) “Roofing contractor” means a contractor whose services 403 are unlimited in the roofing trade and who has the experience, 404 knowledge, and skill to install, maintain, repair, alter, 405 extend, or design, if when not prohibited by law, and use 406 materials and items used in the installation, maintenance,

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580-02578-11 407 extension, and alteration of all kinds of roofing, 408 waterproofing, and coating, except when coating is not 409 represented to protect, repair, waterproof, stop leaks, or 410 extend the life of the roof. The scope of work of a roofing 411 contractor also includes required roof-deck attachments and any 412 repair or replacement of wood roof sheathing or fascia as needed 413 during roof repair or replacement. 414 (f) “Class A air-conditioning contractor” means a 415 contractor whose services are unlimited in the execution of 416 contracts requiring the experience, knowledge, and skill to 417 install, maintain, repair, fabricate, alter, extend, or design, 418 if when not prohibited by law, central air-conditioning, 2011396c2 419 refrigeration, heating, and ventilating systems, including duct 420 work in connection with a complete system if only to the extent 421 such duct work is performed by the contractor as is necessary to 422 make complete an air-distribution system, boiler and unfired 423 pressure vessel systems, and all appurtenances, apparatus, or 424 equipment used in connection therewith, and any duct cleaning 425 and equipment sanitizing that which requires at least a partial 426 disassembling of the system; to install, maintain, repair, 427 fabricate, alter, extend, or design, if when not prohibited by 428 law, piping, insulation of pipes, vessels and ducts, pressure 429 and process piping, and pneumatic control piping; to replace, 430 disconnect, or reconnect power wiring on the load side of the 431 dedicated existing electrical disconnect switch; to install, 432 disconnect, and reconnect low voltage heating, ventilating, and 433 air-conditioning control wiring; and to install a condensate 434 drain from an air-conditioning unit to an existing safe waste or 435 other approved disposal other than a direct connection to a  
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580-02578-11 2011396c2 436 sanitary system. The scope of work for such contractor shall 437 also include any excavation work incidental thereto, 438 but does shall not include any work such as liquefied petroleum 439 or natural gas fuel lines within buildings, except for 440 disconnecting or reconnecting changeouts of liquefied petroleum 441 or natural gas appliances within buildings; potable water lines 442 or connections thereto; sanitary sewer lines; swimming pool 443 piping and filters; or electrical power wiring. 444 (g) “Class B air-conditioning contractor” means a 445 contractor whose services are limited to 25 tons of cooling and 446 500,000 Btu of heating in any one system in the execution of 447 contracts requiring the experience, knowledge, and skill to 448 install, maintain, repair, fabricate, alter, extend, or design, 449 if when not prohibited by law, central air-conditioning, 450 refrigeration, heating, and ventilating systems, including duct 451 work in connection with a complete system only to the extent 452 such duct work is performed by the contractor as is necessary to 453 make complete an air-distribution system being installed under 454 this classification, and any duct cleaning and equipment 455 sanitizing that which requires at least a partial disassembling 456 of the system; to install, maintain, repair, fabricate, alter, 457 extend, or design, if when not prohibited by law, piping and 458 insulation of pipes, vessels, and ducts; to replace, disconnect, 459 or reconnect power wiring on the load side of the dedicated 460 existing electrical disconnect switch; to install, disconnect, 461 and reconnect low voltage heating, ventilating, and air-

462 conditioning control wiring; and to install a condensate drain 463 from an air-conditioning unit to an existing safe waste or other 464 approved disposal other than a direct connection to a sanitary

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580-02578-11 465system. The scope of work for such contractor shall also 466 includes include any excavation work incidental thereto, but 2011396c2

467 does shall not include any work such as liquefied petroleum or 468 natural gas fuel lines within buildings, except for 469 disconnecting or reconnecting changeouts of liquefied petroleum 470 or natural gas appliances within buildings; potable water lines 471 or connections thereto; sanitary sewer lines; swimming pool 472 piping and filters; or electrical power wiring. 473 (h) "Class C air-conditioning contractor" means a 474 contractor whose business is limited to the servicing of air- 475 conditioning, heating, or refrigeration systems, including any 476 duct cleaning and equipment sanitizing that which requires at 477 least a partial disassembling of the system, and whose 478 certification or registration, issued pursuant to this part, was 479 valid on October 1, 1988. Only a No person who was not 480 previously registered or certified as a Class C air-conditioning 481 contractor as of October 1, 1988, shall be so registered or 482 certified after October 1, 1988. However, the board shall 483 continue to license and regulate those Class C air-conditioning 484 contractors who held Class C licenses before prior to October 1, 485 1988. 486 (i) "Mechanical contractor" means a contractor whose 487 services are unlimited in the execution of contracts requiring 488 the experience, knowledge, and skill to install, maintain, 489 repair, fabricate, alter, extend, or design, if when not 490 prohibited by law, central air-conditioning, refrigeration, 491 heating, and ventilating systems, including duct work in 492 connection with a complete system if only to the extent such 493 duct work is performed by the contractor as is necessary to make

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580-02578-11 2011396c2 494 complete an air-distribution system, boiler and unfired pressure 495 vessel systems, lift station equipment and piping, and all 496 appurtenances, apparatus, or equipment used in connection 497 therewith, and any duct cleaning and equipment sanitizing that 498 which requires at least a partial disassembling of the system; 499 to install, maintain, repair, fabricate, alter, extend, or 500 design, if when not prohibited by law, piping, insulation of 501 pipes, vessels and ducts, pressure and process piping, pneumatic 502 control piping, gasoline tanks and pump installations and piping 503 for same, standpipes, air piping, vacuum line piping, oxygen 504 lines, nitrous oxide piping, ink and chemical lines, fuel 505 transmission lines, liquefied petroleum gas lines within 506 buildings, and natural gas fuel lines within buildings; to 507 replace, disconnect, or reconnect power wiring on the load side 508 of the dedicated existing electrical disconnect switch; to 509 install, disconnect, and reconnect low voltage heating, 510 ventilating, and air-conditioning control wiring; and to install 511 a condensate drain from an air-conditioning unit to an existing 512 safe waste or other approved disposal other than a direct 513 connection to a sanitary system. The scope of work for such 514 contractor shall also includes include any excavation work 515 incidental thereto, but does shall not include any work such as 516 potable water lines or connections thereto, sanitary sewer 517 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

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580-02578-11 2011396c2 523 use. The scope of work includes the installation, repair, or replacement of existing equipment, any cleaning or equipment sanitizing that 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 shall 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 a 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 any 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 which requires at least a partial disassembling, excluding

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580-02578-11 2011396c2 552 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 shall 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

568 shall not be required for the cleaning of the pool or spa in a  
569 any way that does not affect the structural integrity of the 570 pool or spa or its associated  
equipment. 571 (l) “Swimming pool/spa servicing contractor” means a 572 contractor whose  
scope of work involves, but is not limited to, 573 the repair and servicing of a any swimming  
pool, or hot tub or  
574 spa, whether public or private, or otherwise, regardless of use. 575 The scope of work includes  
the repair or replacement of existing 576 equipment, any cleaning or equipment sanitizing that  
which  
577 requires at least a partial disassembling, excluding filter 578 changes, and the installation of  
new pool/spa equipment, 579 interior refinishing, the reinstallation or addition of pool 580 heaters,  
the repair or replacement of all perimeter piping and  
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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 586 water lines. The  
installation, construction, modification, 587 substantial or complete disassembly, or replacement  
of equipment 588 permanently attached to and associated with the pool or spa for 589 the  
purpose of water treatment or cleaning of the pool or spa 590 requires licensure; however, the  
usage of such equipment for the 591 purposes of water treatment or cleaning does shall not  
require  
592 licensure unless the usage involves construction, modification, 593 substantial or complete  
disassembly, or replacement of such 594 equipment. Water treatment that does not require such  
equipment 595 does not require a license. In addition, a license is shall not  
596 be required for the cleaning of the pool or spa in a any way  
597 that does not affect the structural integrity of the pool or spa 598 or its associated equipment.  
599 (m) “Plumbing contractor” means a contractor whose 600 contracting business consists of  
the execution of contracts  
601 requiring the experience, financial means, knowledge, and skill 602 to install, maintain,  
repair, alter, extend, or, if when not  
603 prohibited by law, design plumbing. A plumbing contractor may 604 install, maintain, repair,  
alter, extend, or, if when not  
605 prohibited by law, design the following without obtaining an any  
606 additional local regulatory license, certificate, or 607 registration: sanitary drainage or storm  
drainage facilities; 608 venting systems; public or private water supply systems; septic 609 tanks;  
drainage and supply wells; swimming pool piping;  
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580-02578-11 2011396c2 610 irrigation systems; or solar heating water systems and all 611  
appurtenances, apparatus, or equipment used in connection 612 therewith, including boilers  
and pressure process piping and 613 including the installation of water, natural gas, liquefied  
614 petroleum gas and related venting, and storm and sanitary sewer 615 lines; and water and  
sewer plants and substations. The scope of 616 work of the plumbing contractor also includes the  
design, if  
617 when not prohibited by law, and installation, maintenance, 618 repair, alteration, or

extension of air-piping, vacuum line 619 piping, oxygen line piping, nitrous oxide piping, and all  
620 related medical gas systems; fire line standpipes and fire 621 sprinklers if to the extent  
authorized by law; ink and chemical  
622 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  
625 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  
628 shall include any excavation work incidental thereto, and 629 includes shall include the  
work of the specialty plumbing  
630 contractor. Such contractor shall subcontract, with a qualified 631 contractor in the field  
concerned, all other work incidental to 632 the work but which is specified herein as being the  
work of a 633 trade other than that of a plumbing contractor. Nothing in This 634  
definition does not shall be construed to limit the scope of  
635 work of any specialty contractor certified pursuant to s. 636 489.113(6), and does not. Nothing  
in this definition shall be  
637 construed to require certification or registration under this 638 part of any authorized  
employee of a public natural gas utility

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580-02578-11 2011396c2 639 or of a private natural gas utility regulated by the Public 640  
Service Commission when disconnecting and reconnecting water 641 lines in the servicing or  
replacement of an existing water 642 heater. 643 (n) "Underground utility and excavation  
contractor" means a 644 contractor whose services are limited to the construction, 645  
installation, and repair, on public or private property, whether 646 accomplished through open  
excavations or through other means, 647 including, but not limited to, directional drilling, auger 648  
boring, jacking and boring, trenchless technologies, wet and dry 649 taps, grouting, and slip  
lining, of main sanitary sewer 650 collection systems, main water distribution systems, storm sewer  
651 collection systems, and the continuation of utility lines from 652 the main systems to a point  
of termination up to and including 653 the meter location for the individual occupancy, sewer 654  
collection systems at property line on residential or single- 655 occupancy commercial  
properties, or on multioccupancy properties 656 at manhole or wye lateral extended to an  
invert elevation as 657 engineered to accommodate future building sewers, water 658  
distribution systems, or storm sewer collection systems at storm 659 sewer structures.  
However, an underground utility and excavation 660 contractor may install empty underground  
conduits in rights-of- 661 way, easements, platted rights-of-way in new site development, 662  
and sleeves for parking lot crossings no smaller than 2 inches 663 in diameter if, provided that  
each conduit system installed is  
664 designed by a licensed professional engineer or an authorized 665 employee of a municipality,  
county, or public utility and that 666 the installation of any such conduit does not include 667  
installation of any conductor wiring or connection to an

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580-02578-11 668energized electrical system. An underground utility and 669 excavation contractor  
may shall not install any piping that is  
670 an integral part of a fire protection system as defined in s. 671 633.021 beginning at the

point where the piping is used 672 exclusively for such system. 673 (o) “Solar contractor” means a contractor whose services 674 consist of the installation, alteration, repair, maintenance, 675 relocation, or replacement of solar panels for potable solar 676 water heating systems, swimming pool solar heating systems, and 677 photovoltaic systems and any appurtenances, apparatus, or 678 equipment used in connection therewith, whether public, private, 679 or otherwise, regardless of use. A contractor, certified or 680 registered pursuant to the provisions of this chapter, is not 681 required to become a certified or registered solar contractor or 682 to contract with a solar contractor in order to provide any 683 services enumerated in this paragraph that are within the scope 684 of the services such contractors may render under this part. 685 (p) “Pollutant storage systems contractor” means a 686 contractor whose services are limited to, and who has the 687 experience, knowledge, and skill to install, maintain, repair, 688 alter, extend, or design, if when not prohibited by law, and use 689 materials and items used in the installation, maintenance, 690 extension, and alteration of, pollutant storage tanks. Any 691 person installing a pollutant storage tank shall perform such 692 installation in accordance with the standards adopted pursuant 693 to s. 376.303.

694 (q) “Glass and glazing contractor” 695 services are unlimited in the execution 696 the experience, knowledge, and skill to means a contractor whose of contracts requiring install, attach,

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580-02578-11 2011396c2 697 maintain, repair, fabricate, alter, extend, or design, in 698 residential and commercial applications without any height 699 restrictions, all types of windows, glass, and mirrors, whether 700 fixed or movable; swinging or sliding glass doors attached to 701 existing walls, floors, columns, or other structural members of 702 the building; glass holding or supporting mullions or horizontal 703 bars; structurally anchored impact-resistant opening protection 704 attached to existing building walls, floors, columns, or other 705 structural members of the building; prefabricated glass, metal, 706 or plastic curtain walls; storefront frames or panels; shower 707 and tub enclosures; metal fascias; and caulking incidental to 708 such work and assembly.

709 (r)(q) “Specialty contractor” means a contractor whose 710 scope of work and responsibility is limited to a particular 711 phase of construction established in a category adopted by board 712 rule and whose scope is limited to a subset of the activities 713 described in one of the paragraphs of this subsection. 714 Section 15. Paragraphs (b) and (c) of subsection (4) of 715 section 489.107, Florida Statutes, are amended to read: 716 489.107 Construction Industry Licensing Board.— 717 (4) The board shall be divided into two divisions, Division 718 I and Division II. 719 (b) Division II is comprised of the roofing contractor, 720 sheet metal contractor, air-conditioning contractor, mechanical 721 contractor, pool contractor, plumbing contractor, and 722 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

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726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748  
749 750 751 752 753 754

580-02578-11 2011396c2 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)(d)-

(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

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580-02578-11 755department.

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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

760 standards of the National Fire Protection Association (NFPA) are

761 shall be deemed to be in substantial conformity with the 762 generally accepted standards of safety concerning the same 763 subject matter. 764 (b) Notwithstanding any other law, the

department or other

765 state agency may not require compliance with the minimum

766 separation distances of NFPA 58 for separation between a

767 liquefied petroleum gas tank and a building, adjoining property

768 line, other liquefied petroleum gas tank, or any source of

769 ignition, except in compliance with the minimum separation

770 distances of the 2011 edition of NFPA 58. This subsection shall

771 be deemed repealed upon the last effective date of rules

772 adopted, directly or as incorporated by reference, by the



773 department, the Florida Building Commission as part of the  
774 Florida Building Code, and the Office of State Fire Marshal as  
775 part of the Florida Fire Prevention Code of these minimum  
776 separation distances as contained in the 2011 edition of NFPA 58  
777 promulgated by the National Fire Protection Association.  
778 Section 19. Subsection (11) of section 527.21, Florida Statutes, is amended to read: 780  
527.21 Definitions relating to Florida Propane Gas 781 Education, Safety, and Research  
Act.—As used in ss. 527.20- 782 527.23, the term:  
783 (11) “Propane” includes propane, butane, mixtures, and  
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580-02578-11 784liquefied petroleum gas as defined by the National Fire 785Protection Association  
(NFPA) Standard 58, For The Storage and  
786 Handling of Liquefied Petroleum Gas Code Gases.  
787 Section 20. Section 553.502, Florida Statutes, is amended 788 to read: 789 553.502  
Intent.—The purpose and intent of this part ss.  
790 553.501-553.513 is to incorporate into the law of this state the 791 accessibility  
requirements of the Americans with Disabilities 792 Act of 1990, as amended Pub. L. No. 101-  
336, 42 U.S.C. ss. 12101  
793 et seq., and to obtain and maintain United States Department of 794 Justice certification of  
the Florida Accessibility Code for 795 Building Construction as equivalent to federal standards  
for 796 accessibility of buildings, structures, and facilities. All  
797 state laws, rules, standards, and codes governing facilities 798 covered by the Americans  
with Disabilities Act Standards for  
799 Accessible Design guidelines shall be maintained to assure  
800 certification of the state’s construction standards and codes. 801 This part Nothing in ss.  
553.501-553.513 is not intended to  
802 expand or diminish the defenses available to a place of public 803 accommodation or a  
commercial facility under the Americans with  
804 Disabilities Act and the standards federal Americans with  
805 Disabilities Act Accessibility Guidelines, including, but not 806 limited to, the readily  
achievable standard, and the standards 807 applicable to alterations to private buildings or  
facilities as  
808 defined by the standards places of public accommodation.  
809 Section 21. Section 553.503, Florida Statutes, is amended 810 to read: 811 553.503  
Adoption of federal standards guidelines.—Subject  
812 to modifications under this part the exceptions in s. 553.504,  
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580-02578-11 2011396c2 813 the federal Americans with Disabilities Act Standards for  
814 Accessible Design Accessibility Guidelines, and related  
815 regulations provided as adopted by reference in 28 C.F.R., parts  
816 35 and part 36, and 49 C.F.R. part 37 subparts A and D, and  
817 Title II of Pub. L. No. 101-336, are hereby adopted and 818 incorporated by reference as the  
law of this state and shall be

819 incorporated into. The guidelines shall establish the minimum  
820 standards for the accessibility of buildings and facilities 821 built or altered within this state.  
the 1997 Florida 822 Accessibility Code for Building Construction and must be adopted  
823 by the Florida Building Commission in accordance with chapter 824 120. 825 Section  
22. Section 553.504, Florida Statutes, is amended 826 to read:  
827 553.504 Exceptions to applicability of the federal  
828 standards guidelines.—Notwithstanding the adoption of the  
829 Americans with Disabilities Act Standards for Accessible Design  
830 pursuant to Accessibility Guidelines in s. 553.503, all  
831 buildings, structures, and facilities in this state must shall  
832 meet the following additional requirements if such requirements  
833 when they provide increased accessibility: 834 (1) All new or altered public buildings and  
facilities,  
835 private buildings and facilities, places of public  
836 accommodation, and commercial facilities, as those terms are  
837 defined by the standards, subject to this part ss. 553.501-  
838 553.513 which may be frequented in, lived in, or worked in by 839the public must shall  
comply with this part ss. 553.501-553.513.  
840 (2) All new single-family houses, duplexes, triplexes, 841 condominiums, and townhouses  
shall provide at least one  
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580-02578-11 2011396c2 842 bathroom, located with maximum possible privacy, where  
bathrooms 843 are provided on habitable grade levels, with a door that has a 844 29-inch clear  
opening. However, if only a toilet room is 845 provided at grade level, such toilet room must shall  
have a  
846 clear opening of at least not less than 29 inches.  
847 (3) All required doors and walk-through openings in 848 buildings excluding single-family  
homes, duplexes, and triplexes 849 not covered by the Americans with Disabilities Act of 1990 or  
850 the Fair Housing Act shall have at least 29 inches of clear 851 width except under ss.  
553.501-553.513. 852 (4) In addition to the requirements in reference 4.8.4 of 853 the guidelines,  
all landings on ramps shall be not less than 60 854 inches clear, and the bottom of each ramp  
shall have not less 855 than 72 inches of straight and level clearance. 856 (5) All curb ramps  
shall be designed and constructed in 857 accordance with the following requirements: 858 (a)  
Notwithstanding the requirements of reference 4.8.5.2 859 of the guidelines, handrails on ramps  
which are not continuous 860 shall extend not less than 18 inches beyond the sloped segment 861  
at both the top and bottom, and shall be parallel to the floor 862 or ground surface. 863  
(b) Notwithstanding the requirements of references 4.3.3 864 and 4.8.3 of the guidelines,  
curb ramps that are part of a 865 required means of egress shall be not less than 44 inches wide.  
866 (c) Notwithstanding the requirements of reference 4.7.5 of 867 the guidelines, curb ramps  
located where pedestrians must use 868 them and all curb ramps which are not protected by  
handrails or 869 guardrails shall have flared sides with a slope not exceeding a 870 ratio of 1 to  
12.

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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:

Capacity of Seating	Number of Required In Assembly Areas	Wheelchair Locations
1 to 25.....	1 26 to 50.....	2 51 to 100.....
	4	

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

(8) Notwithstanding the requirements in references 4.32.1- 4.32.4 of the guidelines, all fixed seating in public food service establishments, in establishments licensed under the Beverage Law for consumption on the premises, and in all other

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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

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580-02578-11 2011396c2 924 standards 9.1-9.5 of the guidelines.

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

of American 928 National Standards Institute A117.1-1986.

929 (11) Notwithstanding the requirements in references 4.31.2 930 and 4.31.3 of the guidelines,  
the installation and placement of 931 all public telephones shall be governed by the rules of the  
932 Florida Public Service Commission.  
933 (5)(12) Notwithstanding ss. 213 and 604 of the standards  
934 the requirements in references 4.1.3(11) and 4.16-4.23 of the 935 guidelines, required bathing  
rooms restrooms and toilet rooms in  
936 new construction shall be designed and constructed in accordance 937 with the following  
requirements: 938(a) The standard accessible toilet compartment must  
939 restroom stall shall contain an accessible lavatory within it, 940 which must be at least the  
size of such lavatory to be not less  
941 than 19 inches wide by 17 inches deep, nominal size, and wall- 942 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  
944 figure 30(a) of the guidelines for the standard accessible 945 toilet compartment stall and to  
comply with s. 606 of the  
946 standards 4.19 of the guidelines. Such lavatories shall be  
947 counted as part of the required fixture count for the building. 948 (b) The accessible toilet  
compartments must water closet  
949 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  
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580-02578-11 2011396c2 953 inches of clear passage. 954 (14) Turnstiles shall not be used  
in occupancies which 955 serve fewer than 100 persons, but turnstiles may be used in 956  
occupancies which serve at least 100 persons if there is an 957 unlocked alternate  
passageway on an accessible route affording 958 not less than 32 inches of clearance, equipped with  
latching 959 devices in accordance with the guidelines. 960 (6)(15) Barriers at common or  
emergency entrances and exits  
961 of business establishments conducting business with the general 962 public that are existing,  
under construction, or under contract 963 for construction which would prevent a person from  
using such 964 entrances or exits must shall be removed.  
965 Section 23. Section 553.5041, Florida Statutes, is amended 966 to read: 967 553.5041  
Parking spaces for persons who have disabilities.— 968 (1) This section is not intended to  
expand or diminish the 969 defenses available to a place of public accommodation under the 970  
Americans with Disabilities Act and the federal Americans with 971 Disabilities Act  
Standards for Accessible Design Accessibility  
972 Guidelines, including, but not limited to, the readily 973 achievable standard, and the  
standards applicable to alterations 974 to places of public accommodation and commercial  
facilities.  
975 Subject to the exceptions described in subsections (2), (4), 976 (5), and (6), if when the  
parking and loading zone requirements  
977 of the federal standards and related regulations Americans with  
978 Disabilities Act Accessibility Guidelines (ADAAG), as adopted by 979 reference in 28 C.F.R.  
part 36, subparts A and D, and Title II 980 of Pub. L. No. 101-336, provide increased  
accessibility, those 981 requirements are adopted and incorporated by reference as the  
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580-02578-11 2011396c2 982 law of this state. 983 (2) State agencies and political subdivisions having 984 jurisdiction over street parking or publicly owned or operated 985 parking facilities are not required to provide a greater right- 986 of-way width than would otherwise be planned under regulations, 987 guidelines, or practices normally applied to new development.

988 (3) Designated accessible If parking spaces are provided 989 for self-parking by employees or visitors, or both, accessible 990 spaces shall be provided in each such parking area. Such spaces 991 shall be designed and marked for the exclusive use of those 992 individuals who have a severe physical disability and have 993 permanent or temporary mobility problems that substantially 994 impair their ability to ambulate and who have been issued either 995 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 999 with the parking requirements in ADAAG s. 208 of the standards

1000 4.1 and the following: 1001 (a) There must be one accessible parking space in the 1002 immediate vicinity of a publicly owned or leased building that 1003 houses a governmental entity or a political subdivision, 1004 including, but not limited to, state office buildings and 1005 courthouses, if no parking for the public is not provided on the

1006 premises of the building. 1007 (b) There must be one accessible parking space for each

150 1008 metered on-street parking spaces provided by state agencies and 1009 political subdivisions. 1010 (c) The number of parking spaces for persons who have

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580-02578-11 2011396c2 1011 disabilities must be increased on the basis of demonstrated and 1012 documented need. 1013 (5) Accessible perpendicular and diagonal accessible 1014 parking spaces and loading zones must be designed and located to

1015 conform to in conformance with the guidelines set forth in ADAAG

1016 ss. 502 and 503 of the standards. 4.1.2 and 4.6 and Appendix s.

1017 A4.6.3 “Universal Parking Design.” 1018 (a) All spaces must be located on an accessible route that

1019 is at least no less than 44 inches wide so that users are will

1020 not be compelled to walk or wheel behind parked vehicles except

1021 behind his or her own vehicle.

1022 (b) Each space must be located on the shortest safely 1023 accessible route from the parking space to an accessible 1024 entrance. If there are multiple entrances or multiple retail 1025 stores, the parking spaces must be dispersed to provide parking 1026 at the nearest accessible entrance.

If a theme park or an

1027 entertainment complex as defined in s. 509.013(9) provides 1028 parking in several lots or areas from which access to the theme 1029 park or entertainment complex is provided, a single lot or area 1030 may be designated for parking by persons who have disabilities, 1031 if the lot or area is located on the shortest safely accessible 1032 route to an accessible entrance to the theme park or 1033 entertainment complex or to transportation to such an accessible 1034

entrance. 1035 (c)1. Each parking space must be at least no less than 12

1036 feet wide. Parking access aisles must be at least no less than 5

1037 feet wide and must be part of an accessible route to the 1038 building or facility entrance.

In accordance with ADAAG s. 1039 4.6.3, access aisles must be placed adjacent to accessible

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580-02578-11 2011396c2 1040 parking spaces; however, two accessible parking spaces may share 1041 a common access aisle. The access aisle must be striped 1042 diagonally to designate it as a no-parking zone. 1043 2. The parking access aisles are reserved for the temporary 1044 exclusive use of persons who have disabled parking permits and 1045 who require extra space to deploy a mobility device, lift, or 1046 ramp in order to exit from or enter a vehicle.

Parking is not 1047 allowed in an access aisle. Violators are subject to the same 1048 penalties that are imposed for illegally parking in parking 1049 spaces that are designated for persons who have disabilities. A 1050 vehicle may not be parked in an access aisle, even if the 1051 vehicle owner or passenger is disabled or owns a disabled 1052 parking permit. 1053

3. Notwithstanding any other provision of this subsection 1054 to the contrary notwithstanding, a theme park or an 1055 entertainment complex as defined in s. 509.013(9) in which are 1056 provided continuous attendant services are provided for 1057 directing individuals to marked accessible parking spaces or 1058 designated lots for parking by persons who have disabilities, 1059 may, in lieu of the required parking space design, provide 1060 parking spaces that comply with ADAAG ss. 208 and 502 of the 1061 standards 4.1 and 4.6.

1062 (d) On-street parallel parking spaces must be located 1063 either at the beginning or end of a block or adjacent to alley 1064 entrances. Such spaces must be designed to conform to in 1065 conformance with the guidelines set forth in ADAAG ss. 208 and 1066 502 of the standards, except that 4.6.2 through 4.6.5,

1067 exception: access aisles are not required. Curbs adjacent to 1068 such spaces must be of a height that does will not interfere

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580-02578-11 2011396c2 1069 with the opening and closing of motor vehicle doors. This 1070 subsection does not relieve the owner of the responsibility to 1071 comply with the parking requirements of ADAAG ss. 208 and 502 of 1072 the standards 4.1 and 4.6.

1073 (e) Parallel parking spaces must be even with surface 1074 slopes, may match the grade of the adjacent travel lane, and 1075 must not exceed a cross slope of 1 to 50, where feasible. 1076

(f) Curb ramps must be located outside of the disabled 1077 parking spaces and access aisles.

1078 (e)(g)1. The removal of architectural barriers from a 1079 parking facility in accordance with 28 C.F.R. s. 36.304 or with 1080 s. 553.508 must comply with this section unless compliance would 1081 cause the barrier removal not to be readily achievable. If 1082 compliance would cause the barrier removal not to be readily 1083 achievable, a facility may provide parking spaces at alternative 1084 locations for persons who have disabilities and provide 1085 appropriate signage directing such persons who have disabilities 1086 to the alternative parking if readily achievable. The facility 1087 may not reduce the required number or dimensions of those spaces 1088 or, nor may it unreasonably increase the length of the 1089 accessible route from a parking space to the facility. The 1090 removal of an architectural barrier must not create a 1091 significant risk to the health or safety of a person who has a 1092 disability or to that of others.

1093 2. A facility that is making alterations under s. 1094 553.507(2)(b) must comply with this section to the maximum 1095 extent feasible. If compliance with parking location 1096 requirements is not feasible, the facility may provide parking 1097 spaces at alternative locations for persons who have

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580-02578-11 1098 disabilities and provide appropriate signage 1099 persons who have a disability to alternative 1100 facility may not reduce the required number or dimensions of 1101 those spaces, or nor may it unnecessarily increase the length of 1102 the accessible route from a parking space to the facility. The 1103 alteration must not create a significant risk to the health or 1104 safety of a person who has a disability or to that of others. 1105 (6) Each such parking space must be striped in a manner 1106 that is consistent with the standards of the controlling 1107 jurisdiction for other spaces and prominently outlined with blue 1108 paint, and must be repainted when necessary, to be clearly 1109 distinguishable as a parking space designated for persons who 1110 have disabilities. The space and must be posted with a permanent 1111 above-grade sign of a color and design approved by the 1112 Department of Transportation, which is placed on or at least 60 1113 inches above the finished floor or ground surface measured to 1114 the bottom of the sign a distance of 84 inches above the ground 1115 to the bottom of the sign and which bears the international 1116 symbol of accessibility meeting the requirements of ADAAG s. 1117 703.7.2.1 of the standards 4.30.7 and the caption “PARKING BY 1118 DISABLED PERMIT ONLY.” Such a sign erected after October 1, 1119 1996, must indicate the penalty for illegal use of the space. 1120 Notwithstanding any other provision of this section to the 1121 contrary notwithstanding, in a theme park or an entertainment 1122 complex as defined in s. 509.013(9) in which accessible parking 1123 is located in designated lots or areas, the signage indicating 1124 the lot as reserved for accessible parking may be located at the 1125 entrances to the lot in lieu of a sign at each parking place. 1126 This subsection does not relieve the owner of the responsibility

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2011396c2 directing such parking. The

1127 1128 1129 1130 1131 1132 1133 1134 1135 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147 1148 1149 1150 1151 1152 1153 1154 1155

580-02578-11 2011396c2 of complying with the signage requirements of ADAAG s. 502.6 of the standards 4.30.

Section 24. Section 553.505, Florida Statutes, is amended to read:

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

Section 25. Section 553.506, Florida Statutes, is amended to read:

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

Accessibility Guidelines in accordance with chapter 120. Section 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

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1174 1175 1176 1177 1178 1179 1180 1181 1182 1183 1184

580-02578-11 2011396c2 pursuant to s. 553.503. Buildings, structures, or facilities

that were in existence on October 1, 1997, unless: (a) The building, structure, or facility is being converted

from residential to nonresidential or mixed use, as defined by local law;

(b) The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or

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

(3) A building or facility that is being converted from

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 alternation 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

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1185 1186 1187 1188 1189 1190 1191 1192 1193 1194 1195 1196 1197 1198 1199 1200 1201 1202



1203 1204 1205 1206 1207 1208 1209 1210 1211 1212 1213

580-02578-11 2011396c2 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.;

(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

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580-02578-11 2011396c2 1214 available for the purpose of allowing all residents access for a 1215 specified number of hours each day over a 5-day period following 1216a natural disaster, manmade disaster, emergency, or other civil 1217 disturbance that disrupts the normal supply of electricity. The 1218 alternate power source that controls elevator operations must 1219 also be capable of powering any connected fire alarm system in 1220 the building. 1221 (b) At a minimum, the elevator must be appropriately 1222 prewired and prepared to accept an alternate power source and 1223 must have a connection on the line side of the main disconnect, 1224 pursuant to National Electric Code Handbook, Article 700. In 1225 addition to the required power source for the elevator and 1226 connected fire alarm system in the building, the alternate power 1227 supply must be sufficient to provide emergency lighting to the 1228 interior lobbies, hallways, and other portions of the building 1229 used by the public.

Residential multifamily dwellings must have 1230 an available generator and fuel source on the property or have 1231 proof of a current contract posted in the elevator machine room 1232

or other place conspicuous to the elevator inspector affirming a 1233 current guaranteed service contract for such equipment and fuel 1234 source to operate the elevator on an on-call basis within 24 1235 hours after a request. By December 31, 2006, any person, firm or 1236

corporation that owns, manages, or operates a residential 1237 multifamily dwelling as defined in paragraph (a) must provide to 1238 the local building inspection agency verification of engineering 1239 plans for residential multifamily dwellings that provide for the 1240

capability to generate power by alternate means. Compliance with 1241 installation requirements and operational capability 1242 requirements must be verified by local building

inspectors and

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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 1247 and contains a public elevator, as described in s. 399.035(2) 1248 and (3) and rules adopted by the Florida Building Commission, 1249 must have at least one public elevator that is capable of 1250 operating on an alternate power source for the purpose of 1251 allowing all residents access for a specified number of hours 1252 each day over a 5-day period following a natural disaster, 1253

manmade disaster, emergency, or other civil disturbance that 1254 disrupts the normal supply of electricity. The alternate power 1255 source that controls elevator operations must be capable of 1256 powering any connected fire alarm system in the building. In 1257 addition to the required power source for the elevator and 1258 connected fire alarm system, the alternate power supply must be 1259 sufficient to provide emergency lighting to the interior 1260 lobbies, hallways, and other portions of the building used by 1261 the public. Engineering plans and verification of operational 1262 capability must be provided by the local building inspector to 1263 the county emergency management agency before occupancy of the 1264 newly constructed building. 1265 (d) Each person, firm, or corporation that is required to 1266

maintain an alternate power source under this subsection shall 1267 maintain a written emergency operations plan that details the 1268 sequence of operations before, during, and after a natural or 1269 manmade disaster or other emergency situation. The plan must 1270 include, at a minimum, a lifesafety plan for evacuation, 1271 maintenance of the electrical and lighting supply, and

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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 1274 multifamily dwelling must keep written records of any contracts 1275 for alternative power generation equipment. Also, quarterly 1276 inspection records of lifesafety equipment and alternate power 1277

generation equipment must be posted in the elevator machine room 1278 or other place conspicuous to the elevator inspector, which 1279 confirm that such equipment is properly maintained and in good 1280 working condition, and copies of contracts for alternate power 1281

generation equipment shall be maintained on site for 1282 verification. The written emergency operations plan and 1283 inspection records shall also be open for periodic inspection by 1284 local and state government agencies as deemed necessary. The 1285 owner or operator must keep a generator key in a lockbox posted 1286 at or near any installed generator unit. 1287 (e) Multistory affordable residential dwellings for persons 1288 age 62 and older that are financed or insured by the United 1289 States Department of Housing and Urban Development must make 1290 every effort to obtain grant funding from the Federal Government 1291 or the Florida Housing Finance Corporation to comply with this 1292

subsection. If an owner of such a residential dwelling cannot 1293 comply with the requirements of this subsection, the owner must 1294 develop a plan with the local emergency management agency to 1295 ensure that residents are evacuated to a place of safety in the 1296 event of a power outage resulting from a natural or manmade 1297 disaster or other emergency situation that disrupts the normal 1298 supply of electricity for an extended period of

time. A place of 1299 safety may include, but is not limited to, relocation to an 1300 alternative site within the building or evacuation to a local  
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580-02578-11 2011396c2 1301 shelter.

1302 (f) As a part of the annual elevator inspection required 1303 under s. 399.061, certified elevator inspectors shall confirm 1304 that all installed generators required by this chapter are in 1305

working order, have current inspection records posted in the 1306 elevator machine room or other place conspicuous to the elevator 1307 inspector, and that the required generator key is present in the 1308 lockbox posted at or near the installed generator. If a building 1309 does not have an installed generator, the inspector shall

1310 confirm that the appropriate prewiring and switching 1311 capabilities are present and that a statement is posted in the 1312 elevator machine room or other place conspicuous to the elevator 1313 inspector affirming a current guaranteed contract exists for 1314 contingent services for alternate power is current for the 1315 operating period. 1316 (2) However, buildings, structures, and facilities must, as

1317 a minimum, comply with the requirements in the Americans with 1318 Disabilities Act Standards for Accessible Design Accessibility

1319 Guidelines. 1320 Section 28. Consistent with the federal implementation of

1321 the 2010 Americans with Disabilities Act Standards for

1322 Accessible Design, buildings and facilities in this state may be

1323 designed in conformity with the 2010 standards if the design

1324 also complies with Florida-specific requirements provided in

1325 part II of chapter 553, Florida Statutes, until the Florida

1326 Accessibility Code for Building Construction is updated to

1327 implement the changes to part II of chapter 553, Florida

1328 Statutes, as provided by this Act.

1329 Section 29. Subsections (1), (2), (3), (9), and (15) of

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580-02578-11 1330 section 553.73, Florida Statutes, are amended to read: 1331 553.73 Florida Building Code.— 1332 (1)(a) The commission shall adopt, by rule pursuant to ss. 1333

120.536(1) and 120.54, the Florida Building Code and a Florida  
2011396c2

1334 supplement to the International Code Council's set of codes

1335 which contains or incorporates shall contain or incorporate by

1336 reference all laws and rules that which pertain to and govern

1337 the design, construction, erection, alteration, modification, 1338 repair, and demolition of public and private buildings, 1339 structures, and facilities and enforcement of such laws and 1340 rules, except as otherwise provided in this section.

1341 (a)(b) The technical portions of the Florida Accessibility

1342 Code for Building Construction shall be contained in their 1343 entirety in the Florida Building Code supplement to the

1344 International Accessibility Code. The civil rights portions and

1345 the technical portions of the accessibility laws of this state 1346 shall remain as currently provided by law. Any revision or 1347 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  
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580-02578-11 1359 Building Commission may not adopt a fire prevention or 1360  
lifesafety code, and nothing in the Florida Building Code shall 1361 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 1373 parties, 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 1380 local board or agency, and the terms words "local  
government"  
1381 and "local governing body" as used in this part shall be 1382 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

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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 1413 Code and supplement. 1414 (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

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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 1435 commission's website for a minimum of 45 days and all the 1436 associated documentation has been made available to any 1437 interested party before any consideration by a any technical 1438 advisory committee; 1439 (b) In order for a technical advisory committee to make a 1440 favorable recommendation to the commission, the proposal must 1441 receive a three-fourths vote of the members present at the 1442 technical advisory committee meeting and at least half of the 1443 regular members must be present in order to conduct a meeting; 1444 (c) After technical advisory committee consideration and a 1445 recommendation for approval of any proposed amendment, the

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580-02578-11 2011396c2 proposal must be published on the commission's website for at least not less than 45 days before any consideration by the commission; and (d) A Any proposal may be modified by the commission based on public testimony and evidence from a public hearing held in accordance with chapter 120. The commission shall incorporate within sections of the Florida Building Code provisions which address regional and local concerns and variations. The commission shall make every effort to minimize conflicts between the Florida Building Code, the Florida Fire Prevention Code, and the

Life Safety Code.

(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.

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580-02578-11 2011396c2 1475 Furthermore, The Florida Building Commission may also approve

1476 technical amendments to the code once every 3 years in order

1477 each year to incorporate into the Florida Building Code its own 1478 interpretations of the code which are embodied in its opinions, 1479 final orders, declaratory statements, and interpretations of 1480 hearing officer panels under s. 553.775(3)(c), but shall do so 1481 only to the extent that the incorporation of interpretations is

1482 needed to modify the foundation codes to accommodate the 1483 specific needs of this state.

Amendments approved under this 1484 paragraph shall be adopted by rule pursuant to ss.

120.536(1) 1485 and 120.54, after the amendments have been subjected to the 1486 provisions of subsection (3). 1487 (b) A proposed amendment must shall include a fiscal impact

1488 statement that which documents the costs and benefits of the

1489 proposed amendment. Criteria for the fiscal impact statement 1490 shall be established by rule by the commission and shall include 1491 the impact to local government relative to enforcement, the 1492 impact to property and building owners, and the impact as well

1493 as to industry, relative to the cost of compliance. A proposed

1494 amendment to the base code must also include specific

1495 justifications for why this state is different from other areas

1496 that have adopted the base code and why the proposed amendment

1497 applies to this state and no other area or region where the base

1498 code

has been adopted.

1499 1500 that 1501 for amendment which are set forth in this section. The 1502 commission

shall require all proposed amendments and information 1503 submitted with proposed

amendments to be reviewed by commission

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(c) The commission may not approve a any proposed amendment

does not accurately and completely address all requirements

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580-02578-11 1504 staff prior to consideration by any technical advisory 1505 committee.

These reviews shall be for sufficiency only 1506 not intended to be qualitative in nature. Staff

members shall 1507 reject any proposed amendment that fails to include a fiscal 1508 impact

statement. Proposed amendments rejected by members of the 1509 staff may not be considered by the commission or any technical 1510 advisory committee. 1511 (d) Provisions of the Florida Building Code, including 1512 those contained in referenced standards and criteria, relating 1513 to wind resistance or the prevention of water intrusion may not 1514 be amended pursuant to this subsection to diminish those 1515 construction requirements; however, the commission may, subject 1516 to conditions in this subsection, amend the provisions to 1517 enhance those construction requirements. 1518 (15) An agency or local government may not require that 1519 existing mechanical equipment on the surface of a roof be 1520 installed in compliance with the requirements of the Florida 1521 Building Code until the equipment is required to be removed or 1522 replaced, or the roof is replaced or recovered.

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1523 Section 30. Paragraph (v) of subsection (1) of section 1524 553.74, Florida Statutes, is amended to read: 1525 553.74 Florida Building Commission.— 1526 (1) The Florida Building Commission is created and shall be 1527 located within the Department of Community Affairs for 1528 administrative purposes. Members shall be appointed by the 1529 Governor subject to confirmation by the Senate. The commission 1530 shall be composed of 25 members, consisting of the following: 1531 (v) One member who is a representative of the green 1532 building industry and who is a third-party commission agent, a

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580-02578-11 2011396c2 1533 Florida board member of the United States Green Building Council 1534 or Green Building Initiative, a professional who is accredited 1535 under the International Green Construction Code (IGCC), or a 1536 professional who is accredited under Leadership in Energy and 1537 Environmental Design (LEED) LEED-accredited professional.

1538 1539 Any person serving on the commission under paragraph (c) or 1540 paragraph (h) on October 1, 2003, and who has served less than 1541 two full terms is eligible for reappointment to the commission 1542 regardless of whether he or she meets the new qualification. 1543

1544 Section 31. Subsection (5) of section 553.842, Florida 1545 Statutes, is amended to read: 1546 553.842 Product evaluation and approval.— 1547 (5) Statewide approval of products, methods, or systems of 1548 construction may be achieved by one of the following methods. 1549 One of these methods must be used by the commission to approve 1550 the following categories of products: panel walls, exterior 1551 doors, roofing, skylights, windows, shutters, and structural 1552 components as established by the commission by rule. A product 1553 may not be advertised, sold, offered, provided, distributed, or 1554 marketed as hurricane, wind storm, or impact protection from 1555 wind-borne debris during a hurricane or wind storm unless it is 1556 approved pursuant to s. 553.842 or s. 553.8425. Any person who 1557 advertises, sells, offers, provides, distributes, or markets a 1558 product as hurricane, windstorm, or impact protection from wind- 1559 borne debris without such approval is subject to the Florida 1560 Deceptive and Unfair Trade Practices Act under part II of 1561 chapter 501 brought by the enforcing authority as defined in s. 501.203.

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580-02578-11 2011396c2 1562 (a) Products for which the code establishes standardized 1563 testing or comparative or rational analysis methods shall be 1564 approved by submittal and validation of one of the following 1565 reports or listings indicating that the product or method or 1566 system of construction was evaluated to be in compliance with 1567 the Florida Building Code and that the product or method or 1568 system of construction is, for the purpose intended, at least 1569 equivalent to that required by the Florida Building Code: 1570

1. A certification mark or listing of an approved 1571 certification agency, which may be used only for products for 1572 which the code designates standardized testing; 1573 2. A test report from an approved testing laboratory; 1574 3. A product evaluation report based upon testing or 1575 comparative or rational analysis, or a combination thereof, from 1576 an approved product evaluation entity; or 1577 4. A product evaluation report based upon testing or 1578 comparative or rational analysis, or a combination thereof, 1579 developed and signed and sealed by a professional engineer or 1580 architect, licensed in this state. 1581 1582 A product evaluation report or a certification mark or listing 1583 of an approved certification agency which demonstrates that the 1584 product or method or system of construction complies with the 1585 Florida Building Code for the purpose intended is shall be 1586 equivalent to a test report and test procedure as referenced in 1587 the Florida Building Code. An application for state approval of 1588 a product under subparagraph 1. must be approved by the 1589 department after the commission staff or a designee verifies 1590 that the application and related documentation are complete.

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580-02578-11 1591 This verification must be completed within 10 business days 1592 after receipt of the application. Upon approval by the 1593 department, the product shall be immediately added to the list 1594 of state-approved products maintained under subsection (13). 1595

Approvals by the department shall be reviewed and ratified by 1596 the commission's program oversight committee except for a 1597 showing of good cause that a review by the full commission is 1598 necessary. The commission shall adopt rules providing means to 1599 cure deficiencies identified within submittals for products 1600 approved under this

paragraph. 1601 (b) Products, methods, or systems of construction for which 1602 there are no specific standardized testing or comparative or 1603 rational analysis methods established in the code may be 1604 approved by submittal and validation of one of the following: 1605 1. A product evaluation report based upon testing or 1606 comparative or rational analysis, or a combination thereof, from 1607 an approved product evaluation entity indicating that the 1608 product or method or system of construction was evaluated to be 1609 in compliance with the intent of the Florida Building Code and 1610 that the product or method or system of construction is, for the 1611 purpose intended, at least equivalent to that required by the 1612 Florida Building Code; or 1613 2. A product evaluation report based upon testing or 1614 comparative or rational analysis, or a combination thereof, 1615 developed and signed and sealed by a professional engineer or 1616 architect, licensed in this state, who certifies that the 1617 product or method or system of construction is, for the purpose 1618 intended, at least equivalent to that required by the Florida 1619 Building Code.

2011396c2

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1620 1621 1622 1623 1624 1625 1626 1627 1628 1629 1630 1631 1632 1633 1634 1635 1636 1637 1638 1639 1640 1641 1642 1643 1644 1645 1646 1647 1648



580-02578-11 2011396c2 Section 32. 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

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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 1660 after July 1, 2011, for installation in this state must comply

1661 with the requirements of the Florida Energy Efficiency Code for

1662 Building Construction spa standby power shall not be greater

1663 than  $5(V/3)$  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 1667 627.711, Florida Statutes, is amended to read:

1668 627.711 Notice of premium discounts for hurricane loss 1669 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 1674 developing 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

shall

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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 1697 a uniform mitigation verification form. 1698 Section 34. This act shall take effect July 1, 2011.

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**ATTACHMENT 2**

**BILL MATRIX 2011**

Bill #	Sponsor	Committees of Reference	Current Status	Notes
396	Sen. Bennett	Only Budget remains	CS for CS is current version, bill passed Comm. Aff. and Reg. Ind.	Contains Commission recommendations; also currently contains language relating to style of publication of the Code and other building related matters.
849	Rep. Davis	Bus. & Consumer Aff.; Rules and Regs.; Gov. Ops. Apps.; Econ. Aff.	Heard by Bus. & Consumer Affairs.	Companion to 396 but has not been amended as of yet
407	Rep. Perry	Comm./Mil Aff.; Econ. Aff. Comm.	No movement as of yet.	Inspections unrelated to scope of permitted work
580	Sen. Oelrich	Comm. Aff.; Reg. Ind.; Budget	No movement as of yet.	Inspections unrelated to scope of permitted work
1081	Rep. Chestnut	Energy and Utilities; Comm./ Mil. Aff.; Transp./Econ. Dev. Apps.; St. Aff.	No movement as of yet	Addition of standards related to parking lot surfacing and green roofing to the appliance efficiency program at DCA.
1216	Sen. Altman	Env. Pres.; Comm. Aff.; Budget.	No movement as of yet	Addition of standards related to parking lot surfacing and green roofing to the appliance efficiency program at DCA.
PCB RRS 11-01	Rulemaking and Regulation Subcommittee	Not referred.	Calendared for 3/16, temporarily passed to consider including FFPC	House effort at exemption from ratification for the update process related to the Code; stand alone bill.
NA	<b>NA REORG LEGISLATION</b>	NO BILLS FILED OR REFERRED AS OF YET	BILL WORKSHOPPED BY TED APPS IN SENATE, 3/11, 623 pg bill available in meeting packet from Senate website	Initial draft containing transfer of Commission to DBPR [ll 332-3; 363-365]

**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.